

106TH CONGRESS
2D SESSION

S. 2783

Entitled the “21st Century Law Enforcement and Public Safety Act”.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2000

Mr. LEAHY (by request) introduced the following bill; which was read twice
and referred to the Committee on the Judiciary

A BILL

Entitled the “21st Century Law Enforcement and Public
Safety Act”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “21st Century Law Enforcement and Public Safety Act”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short Title; Table of Contents.

**TITLE I—SUPPORTING LOCAL LAW ENFORCEMENT AND
PROMOTING CRIME-FIGHTING TECHNOLOGIES**

Sec. 1001. 21st Century Community Policing Initiative.

Sec. 1002. Community Prosecution Program Grants.

Sec. 1003. Rural Law Enforcement Grant Set-Asides.

Sec. 1004. Amendments to the Police Corps Act.

- Sec. 1005. Awards to State and Local Law Enforcement.
- Sec. 1006. Reauthorization of Bureau of Justice Assistance And The Byrne State And Local Law Enforcement Assistance Grant Programs.
- Sec. 1007. Body Armor Penalty Enhancement.
- Sec. 1008. Extension of Bulletproof Vest Partnership Grant Act.
- Sec. 1009. Integrated Information Technology Assistance Act.
- Sec. 1010. Authorization to Link State and Local Law Enforcement to Worldwide Police Communications Network.
- Sec. 1011. Inclusion of Federal, Military, and District of Columbia Offenders in the DNA Identification Index.

TITLE II—BREAKING THE CYCLE OF DRUGS AND VIOLENCE

Subtitle A—Zero Tolerance Drug Supervision

- Sec. 2001. Grant Authority.
- Sec. 2002. Administration.
- Sec. 2003. Applications.
- Sec. 2004. Federal Share.
- Sec. 2005. Geographic Distribution.
- Sec. 2006. Technical Assistance, Training, and Evaluation.
- Sec. 2007. Authorization of Appropriations.
- Sec. 2008. Permanent Set-aside for Research and Evaluation.
- Sec. 2009. Additional Requirements for the Use of Funds under the Violent Offender Incarceration and Truth-in-sentencing Grant Programs.
- Sec. 2010. Reauthorization of Residential Substance Abuse Treatment Grant Program.
- Sec. 2011. Use of Residential Substance Abuse Treatment Grants to Provide for Services During and after Incarceration.
- Sec. 2012. Reestablishment of Drug Courts.
- Sec. 2013. Exceptions to Time Limits For Byrne Program Grants For Certain Purposes.
- Sec. 2014. Provision to Free Existing Prison Space for Violent Offender Incarceration.

Subtitle B—Anti-Drug Provisions

- Sec. 2021. National Standard to Prohibit Operation of Motor Vehicles by Intoxicated Individuals.
- Sec. 2022. Drug Free Teenage Drivers.
- Sec. 2023. Amendments Concerning Temporary Emergency Scheduling.
- Sec. 2024. Amendment to Reporting Requirement for Transactions Involving Certain Listed Chemicals.
- Sec. 2025. Amphetamine Penalty Increases.
- Sec. 2026. Anabolic Agents.
- Sec. 2027. Drug Paraphernalia.
- Sec. 2028. Counterfeit Substances/Imitation Controlled Substances.
- Sec. 2029. Amendments to the Controlled Substances Import and Export Act.
- Sec. 2030. Conforming Amendment Concerning Marijuana Plants.
- Sec. 2031. Conforming Amendment Relating to Flunitrazepam Penalties.
- Sec. 2032. Increased Penalties for Using Minors to Distribute Drugs.
- Sec. 2033. Increased Penalty for Distributing Drugs to Minors.
- Sec. 2034. Increased Penalty for Drug Trafficking in or near a School or Other Protected Location.

- Sec. 2035. Serious Juvenile Drug Trafficking Offenses as Armed Career Criminal Act Predicates.
- Sec. 2036. Increased Penalties for Using Federal Property to Grow or Manufacture Controlled Substances.
- Sec. 2037. Clarification of Length of Supervised Release Terms in Controlled Substance Cases.
- Sec. 2038. Technical Correction to Ensure Compliance of Sentencing Guidelines with Provisions of All Federal Statutes.
- Sec. 2039. Exclusion of Persons Who Have Benefitted from Illicit Activities of Drug Traffickers.
- Sec. 2040. Enhancing Prosecutions in International Drug and Money Laundering Cases.
- Sec. 2041. Import and Export of Chemicals Used to Produce Illicit Drugs.
- Sec. 2042. Amendments to Drive-By Shooting Statute.

Subtitle C—Anti-Drug and Organized Crime Money Laundering Act

- Sec. 2051. Illegal Money Transmitting Businesses.
- Sec. 2052. Restraint of Assets of Persons Arrested Abroad.
- Sec. 2053. Long-arm Jurisdiction Over Foreign Money Launderers.
- Sec. 2054. Laundering Money Through a Foreign Bank.
- Sec. 2055. Specified Unlawful Activity for Money Laundering.
- Sec. 2056. Criminal Forfeiture for Money Laundering Conspiracies.
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- Sec. 2073. Criminal Forfeiture of Property in Government Custody.
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- Sec. 2075. Including Agencies of Tribal Governments in the Definition of a Financial Institution.
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TITLE III—FIGHTING TERRORISM AND INTERNATIONAL CRIME

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- Sec. 4012. Child Abuse Murders.
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- Sec. 4021. Assistance for Federal Law Enforcement Victim Services.
- Sec. 4022. Compensation and Assistance to Victims of Terrorism or Mass Violence.
- Sec. 4023. Amendment to the Crime Victims with Disabilities Act.
- Sec. 4024. Expanded Jurisdiction over Child Buying and Selling Offenses.

Subtitle D—Health Care Fraud and Abuse

- Sec. 4031. Attorney General Injunction Authority.
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- Sec. 4035. Study and Report on Health Care Fraud Sentences.
- Sec. 4036. Provisions Protecting the Interests of False Claims Act Matters in Bankruptcy Proceedings.
- Sec. 4037. Extending Anti-Fraud Safeguards to the Federal Employees Health Benefits Program.
- Sec. 4038. Preventing And Punishing Abuse And Neglect of Elderly And Other Residents in Nursing Homes And Residential Health Care Facilities.

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- Sec. 4041. Blocking Telemarketing Scams.

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- Sec. 4055. Payments of Things of Value to Persons with Actual or Apparent Influence or Decision-making Authority.
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- Sec. 4084. Prohibition of Certain Acts of Violence.
- Sec. 4085. Duties of United States Sentencing Commission.
- Sec. 4086. Grant Program.
- Sec. 4087. Authorization for Additional Personnel to Assist State and Local Law Enforcement.
- Sec. 4088. Severability.

TITLE V—STRENGTHENING FEDERAL CRIMINAL LAWS TO
COMBAT VIOLENT AND WHITE-COLLAR CRIME

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- Sec. 5001. Fugitive Apprehension Act of 2000.
- Sec. 5002. Amendments Relating to Violent Crime in Indian Country and Areas of Exclusive Federal Jurisdiction.
- Sec. 5003. Kidnapping.
- Sec. 5004. Offenses Committed Outside the United States by Persons Accompanying the Armed Forces.
- Sec. 5005. Status Killings of Federal Employees and Consolidation of 18 U.S.C. 1114 and 1121.
- Sec. 5006. Threats Against Former Presidents and Others Eligible for Secret Service Protection.
- Sec. 5007. Participation of Foreign and State Government Personnel Under Federal Supervision in Certain Interceptions.
- Sec. 5008. Removal of the Sunset Provision for the S Visa Classification Program.
- Sec. 5009. Federal Judiciary Security Act.
- Sec. 5010. Autopsy Authority.
- Sec. 5011. Administrative Summons Authority for the United States Secret Service's Protective Function Responsibilities.
- Sec. 5012. Establishing Permanent One Percent Research and Evaluation Set-asides for Certain Programs.

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- Sec. 5021. Increased Penalties and Expanded Jurisdiction for Sexual Abuse Offenses in Correctional Facilities.
- Sec. 5022. Increased Penalties and Expanded Jurisdiction for Contraband Offenses in Correctional Facilities.
- Sec. 5023. Removal of Wiretap Restrictions from Prison Communications.
- Sec. 5024. Improving Efficiency Through Improved Medical Payment Rules in Prisons and Related Facilities.
- Sec. 5025. Judicial District Designation.

Subtitle C—Improvements in Federal Law Relating to White Collar Crime

- Sec. 5031. Elimination of Proof of Value Requirement for Felony Theft or Conversion of Grand Jury Material.
- Sec. 5032. Amendment of Interstate Travel Fraud Statute to Cover Travel by Perpetrator.
- Sec. 5033. Conforming Penalty Amendment for Frauds Resulting in Serious Injury or Death.

Sec. 5034. Forfeiture of Computers And Other Devices Used For Counterfeiting.

Sec. 5035. Conforming Amendment.

Sec. 5036. Increased Maximum Corporate Penalty for Antitrust Violations.

Subtitle D—Federal Law Enforcement Programs.

Sec. 5041. Federal Prosecutor Ethics Act.

Sec. 5042. Strengthening Law Enforcement Efforts in U.S. Territories And Possessions.

Sec. 5043. Agencies Authorized to Investigate Violations.

Subtitle E—Improvements to Federal Sentencing Laws

Sec. 5051. Prison Credit and Aging Prisoner Reform.

Sec. 5052. Correction of Aberrant Statutes to Permit Imposition of Both a Fine and Imprisonment Rather than Only Either Penalty.

Sec. 5053. Amendment of Federal Sentencing Guidelines for Counterfeit Bearer Obligations of the United States.

1 **TITLE I—SUPPORTING LOCAL**
 2 **LAW ENFORCEMENT AND**
 3 **PROMOTING CRIME-FIGHT-**
 4 **ING TECHNOLOGIES**

5 **SEC. 1001. 21st CENTURY COMMUNITY POLICING INITIA-**
 6 **TIVE.**

7 (a) Section 1701(a) of title I of the Omnibus Crime
 8 Control and Safe Streets Act of 1968 (42 U.S.C.
 9 3796dd(a)) is amended by—

10 (1) inserting “and prosecutor” after “increase
 11 police”; and

12 (2) inserting “to enhance law enforcement ac-
 13 cess to new technologies, and” after “presence,”.

14 (b) Section 1701(b) of title I of the Omnibus
 15 Crime Control and Safe Streets Act of 1968 (42
 16 U.S.C. 3796dd(b)) is amended—

17 (1) in paragraph (1)—

1 (A) by striking “and” at the end of sub-
2 paragraph (B);

3 (B) by striking the period at the end of
4 subparagraph (C) and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(D) promote higher education among in-
7 service State and local law enforcement officers
8 by reimbursing them for the costs associated
9 with seeking a college or graduate school edu-
10 cation.”;

11 (2) in paragraph (2) by striking all that follows
12 “SUPPORT SYSTEMS.” and inserting “Grants
13 pursuant to paragraph (1)(C) may not exceed 20
14 percent of the funds available for grants pursuant to
15 this subsection in any fiscal year.”.

16 (c) Section 1701(d) of title I of the Omnibus Crime
17 Control and Safe Streets Act of 1968 (42 U.S.C.
18 3796dd(d)) is amended—

19 (1) in paragraph (2)—

20 (A) by inserting “integrity and ethics”
21 after “specialized”; and

22 (B) by inserting “and” after “enforcement
23 officers”;

1 (2) in paragraph (7) by inserting “school offi-
2 cials, values-based organizations,” after “enforce-
3 ment officers”;

4 (3) in paragraph (10) by striking “and” that
5 appears at the end;

6 (4) in paragraph (11) by striking the period
7 that appears at the end and inserting “; and”;

8 (5) by adding at the end the following:

9 “(12) develop and implement innovative pro-
10 grams (such as the TRIAD program) that bring to-
11 gether a community’s sheriff, chief of police, and el-
12 derly residents to address the public safety concerns
13 of older citizens.”.

14 (d) Section 1701(f) of title I of the Omnibus Crime
15 Control and Safe Streets Act of 1968 (42 U.S.C.
16 3796dd(f)) is amended—

17 (1) in paragraph (1)—

18 (A) by inserting “use up to 5 percent of
19 the funds appropriated under subsection (a) to”
20 after “The Attorney General may”;

21 (B) by inserting at the end the following:

22 “Further, the Attorney General may use up to
23 5 percent of the funds appropriated under sub-
24 section (d), (e), and (f) for technical assistance
25 and training to States, units of local govern-

1 ment, Indian tribal governments, and to other
2 public and private entities for those respective
3 purposes.”;

4 (2) in paragraph (2) by inserting “under sub-
5 section (a)” after “the Attorney General”;

6 (3) in paragraph (3)—

7 (A) by striking “the Attorney General
8 may” and inserting “the Attorney General
9 shall”;

10 (B) by inserting “regional community po-
11 licing institutes” after “operation of”; and

12 (C) by inserting “representatives of police
13 labor and management organizations, commu-
14 nity residents,” after “supervisors,”.

15 (e) Section 1701 of title I of the Omnibus Crime Con-
16 trol and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is
17 amended by—

18 (1) striking subsection (k);

19 (2) redesignating subsections (f) through (j) as
20 subsections (g) through (k); and

21 (3) striking subsection (e) and inserting the fol-
22 lowing:

23 “(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—
24 Grants made under subsection (a) may be used to assist

1 police departments, in employing professional, scientific,
2 and technological advancements that will help them—

3 “(1) improve police communications through
4 the use of wireless communications, computers, soft-
5 ware, videocams, databases and other hardware and
6 software that allow law enforcement agencies to
7 communicate more effectively across jurisdictional
8 boundaries and effectuate interoperability;

9 “(2) develop and improve access to crime solv-
10 ing technologies, including DNA analysis, photo en-
11 hancement, voice recognition, and other forensic ca-
12 pabilities; and

13 “(3) promote comprehensive crime analysis by
14 utilizing new techniques and technologies, such as
15 crime mapping, that allow law enforcement agencies
16 to use real-time crime and arrest data and other re-
17 lated information—including non-criminal justice
18 data—to improve their ability to analyze, predict,
19 and respond pro-actively to local crime and disorder
20 problems, as well as to engage in regional crime
21 analysis.

22 “(f) COMMUNITY-BASED PROSECUTION PROGRAM.—
23 Grants made under subsection (a) may be used to assist
24 State, local or tribal prosecutors’ offices in the implemen-
25 tation of community-based prosecution programs that

1 build on local community policing efforts. Funds made
2 available under this subsection may be used to—

3 “(1) hire additional prosecutors who will be as-
4 signed to community prosecution programs, includ-
5 ing (but not limited to) programs that assign pros-
6 ecutors to handle cases from specific geographic
7 areas, to address specific violent crime and other
8 local crime problems (including intensive illegal
9 gang, gun and drug enforcement projects and qual-
10 ity of life initiatives), and to address localized violent
11 and other crime problems based on needs identified
12 by local law enforcement agencies, community orga-
13 nizations, and others;

14 “(2) redeploy existing prosecutors to community
15 prosecution programs as described in paragraph (1)
16 of this section by hiring victim and witness coordina-
17 tors, paralegals, community outreach, and other
18 such personnel; and

19 “(3) establish programs to assist local prosecu-
20 tors’ offices in the implementation of programs that
21 help them identify and respond to priority crime
22 problems in a community with specifically tailored
23 solutions.

24 “(4) LIMITATIONS.—

1 “(A) At least 75 percent of the funds made
2 available under this subsection shall be reserved
3 for grants under paragraphs (1) and (2) and of
4 those amounts no more than 10 percent may be
5 used for grants under paragraph (2); and

6 “(B) At least 25 percent of the funds
7 made available under this subsection shall be
8 reserved for grants to units of local government
9 with a population of less than 50,000.”.

10 (f) Section 1703 of title I of the Omnibus Crime Con-
11 trol and Safe Streets Act of 1968 (42 U.S.C. 3796dd-
12 2) is amended by inserting at the end the following:

13 “(d) RETENTION GRANTS.—The Attorney General
14 may use up to 5 percent of the funds under subsection
15 (a) to award grants targeted specifically for retention of
16 police officers to grantees in good standing that dem-
17 onstrate financial hardship or severe budget constraint
18 that impacts the entire local budget and may result in the
19 termination of employment for police officers funded
20 under subsection (b)(1).”.

21 (g) Section 1704(c) of title I of the Omnibus Crime
22 Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-
23 3(c)) is amended by striking “\$75,000” and inserting
24 “\$125,000”.

1 (h) Section 1709(1) of title I of the Omnibus Crime
2 Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–
3 8) is amended by inserting after “criminal laws” the fol-
4 lowing: “including sheriffs deputies charged with super-
5 vising offenders who are released into the community but
6 also engaged in local community policing efforts.”.

7 (i) Section 1001(a) of title I of the Omnibus Crime
8 Control and Safe Streets Act of 1968 is amended—

9 (1) by amending subparagraph (A) to read as
10 follows:

11 “(A) There are authorized to be appro-
12 priated to carry out part Q, to remain available
13 until expended—

14 “(i) \$1,335,000,000 for fiscal year
15 2001; and

16 “(ii) such sums as may be necessary
17 for fiscal years 2002–2005”;

18 (2) in subparagraph (B)—

19 (i) by striking “3 percent” and inserting
20 “5 percent”;

21 (ii) by striking “85 percent” and inserting
22 “\$650,000,000”; and

23 (iii) by striking “1701(b),” and all that
24 follows through “of part Q.” and inserting the
25 following: “1701(b) and (c), \$200,000,000 to

1 grants for the purposes specified in section
 2 1701(d), \$350,000,000 to grants for the pur-
 3 poses specified in section 1701(e), and
 4 \$200,000,000 to grants for the purposes speci-
 5 fied in section 1701(f).”.

6 **SEC. 1002. COMMUNITY PROSECUTION PROGRAM GRANTS.**

7 Subtitle Q of title III of the Violent Crime Control
 8 and Law Enforcement Act of 1994 (42 U.S.C. 13861 et
 9 seq.) is amended to read as follows:

10 **“Subtitle Q—Community**
 11 **Prosecution Program Grants**

12 **“SEC. 31701. GRANT AUTHORIZATION.**

13 “The Attorney General may make grants to State,
 14 Indian tribal, or local prosecutors’ offices for the purpose
 15 of supporting the creation or expansion of community-
 16 based justice programs.

17 **“SEC. 31702. USE OF FUNDS.**

18 “Grants made by the Attorney General under this
 19 section shall be used—

20 “(1) to fund prosecution programs that empha-
 21 size the participation of community residents in de-
 22 veloping strategies for public safety through partner-
 23 ships with such entities as police departments, su-
 24 pervisory agencies (such as diversion programs, pro-
 25 bation and parole departments), social service orga-

1 nizations, community organizations, local businesses,
2 schools, values based organizations, and elected offi-
3 cials;

4 “(2) to fund programs that establish or support
5 existing mechanisms for community participation
6 that include the following activities: identifying local
7 crime problems and priorities, engaging in problem-
8 solving and strategic planning, and maintaining reg-
9 ular communication between the prosecutor’s office
10 and community residents;

11 “(3) to fund prosecution programs that include
12 the hiring of community prosecutors and related per-
13 sonnel and utilize an interdisciplinary team approach
14 to prevent, reduce and respond to crime in partner-
15 ship with communities;

16 “(4) to fund programs that are proactive in
17 their approach to crime, with an emphasis on pre-
18 vention, as well as enforcement;

19 “(5) to fund programs that employ, where ap-
20 propriate, use of sentencing alternatives that restore
21 the victim, the community and offender; and

22 “(6) to fund programs that help build local
23 problem-solving capacity through training and tech-
24 nical assistance.

1 **“SEC. 31703. APPLICATIONS.**

2 “(a) ELIGIBILITY.—In order to be eligible to receive
3 a grant under this part for any fiscal year, a State, Indian
4 tribal, or local prosecutor, in conjunction with the chief
5 executive officer of the jurisdiction in which the program
6 will be placed, shall submit an application to the Attorney
7 General in such form and containing such information as
8 the Attorney General may reasonably require.

9 “(b) REQUIREMENTS.—Each applicant shall
10 include—

11 “(1) a request for funds for the purposes de-
12 scribed in section 31702;

13 “(2) a description of the communities to be
14 served by the grant, including the nature of crime in
15 the community and a description of quality of life
16 crimes that impact on community safety; and

17 “(3) assurances that Federal funds received
18 under this part shall be used to supplement, not
19 supplant, non-Federal funds that would otherwise be
20 available for activities funded under this section.

21 **“SEC. 31704. AWARD OF GRANTS.**

22 “(a) The Attorney General shall consider the fol-
23 lowing factors in awarding grants:

24 “(1) demonstrated need and evidence of the
25 ability to provide the services described in section
26 31702; and

1 “(2) demonstrated participation with existing
2 community-based programs supported by the De-
3 partment of Justice, such as Community Policing
4 and the Weed and Seed program.

5 “(b) To the extent practicable, the Attorney General
6 shall attempt to achieve an equitable geographic distribu-
7 tion of grant awards.

8 “(c) At least five percent of the funds appropriated
9 to carry out this subtitle in each fiscal year shall be award-
10 ed as grants to Indian tribes. To the extent practicable,
11 the Attorney General shall comply with subsection (a) of
12 this section in awarding such grants.

13 **“SEC. 31705. REPORTS.**

14 “(a) REPORT TO ATTORNEY GENERAL.—State, In-
15 dian tribal, and local prosecutors that receive funds under
16 this subtitle shall submit to the Attorney General a report
17 not later than March 1 of each year that describes
18 progress achieved in carrying out this grant program.

19 “(b) REPORT TO CONGRESS.—The Attorney General
20 shall submit to the Congress a report by October 1 of each
21 year in which grants are made available under this subtitle
22 which shall contain a detailed statement regarding grant
23 awards, activities of grant recipients, a compilation of sta-
24 tistical information submitted by applicants, and an eval-
25 uation of programs established under this subtitle.

1 **“SEC. 31706. PERMANENT SET-ASIDE FOR RESEARCH AND**
 2 **EVALUATION.**

3 “The Attorney General shall reserve no less than 1
 4 percent and no more than 3 percent of the sums appro-
 5 priated to carry out this subtitle in each fiscal year for
 6 research and evaluation of this program.

7 **“SEC. 31707. DEFINITIONS.**

8 “In this subtitle—

9 “(1) ‘Indian tribe’ means an Indian tribe in-
 10 cluded on the list of recognized Indian tribes pub-
 11 lished by the Secretary of the Interior pursuant to
 12 25 U.S.C. § 479a–1.

13 “(2) ‘State’ means a State, the District of Co-
 14 lumbia, the Commonwealth of Puerto Rico, the Com-
 15 monwealth of the Northern Mariana Islands, Amer-
 16 ican Samoa, Guam, and the United States Virgin Is-
 17 lands.”.

18 **SEC. 1003. RURAL LAW ENFORCEMENT GRANT SET-ASIDES.**

19 (a) DRUG COURTS.—Part V of title I of the Omnibus
 20 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
 21 3796ii et seq.) is amended by—

22 (1) renumbering sections 2208 and 2209 as
 23 sections 2209 and 2210; and

24 (2) inserting after section 2207 the following
 25 new section:

1 **“SEC. 2208. DISCRETIONARY RURAL SET-ASIDE.**

2 “(a) SET-ASIDE.—The Attorney General may choose
3 to specify that a portion of the sums reserved and appro-
4 priated to carry out this part in each fiscal year, not to
5 exceed ten percent of such sums, shall be awarded for
6 grants to applicants in rural areas that the Attorney Gen-
7 eral determines are underserved areas.

8 “(b) DEFINITION.—The term ‘rural area’ means an
9 area with a population of 25,000 or less.

10 “(c) REALLOCATION OF UNOBLIGATED FUNDS.—If
11 any amount so obligated under subsection (a) remains un-
12 obligated at the end of the fiscal year, then such amount
13 may be reallocated for distribution to other eligible appli-
14 cants.”.

15 (b) CONFORMING AMENDMENT.—The analysis for
16 part V of title I of the Omnibus Crime Control and Safe
17 Streets Act of 1968 (42 U.S.C. 3796ii et seq.) is amended
18 by inserting after section 2207 the following:

“Sec. 2208. Discretionary Rural Set-Aside.”.

19 (c) BYRNE DISCRETIONARY GRANT PROGRAM.—Sub-
20 part 2 of part E of title I of the Omnibus Crime Control
21 and Safe Streets Act of 1968 (42 U.S.C. 3760 et seq.)
22 is amended by inserting after section 512 the following
23 new section:

1 **“SEC. 513. DISCRETIONARY RURAL SET-ASIDE.**

2 “(a) DISCRETIONARY RURAL SET-ASIDE.—The At-
3 torney General may choose to specify that a portion of
4 the sums reserved and appropriated to carry out section
5 511 in each fiscal year, not to exceed ten percent of such
6 sums, shall be awarded for grants to applicants in rural
7 areas that the Attorney General determines are under-
8 served areas.

9 “(b) DEFINITION.—The term ‘rural area’ means an
10 area with a population of 25,000 or less.

11 “(c) REALLOCATION OF UNOBLIGATED FUNDS.—If
12 any amount so obligated under subsection (a) remains un-
13 obligated at the end of the fiscal year, then such amount
14 may be reallocated for distribution to other eligible appli-
15 cants.”.

16 (d) CONFORMING AMENDMENT.—The analysis for
17 subpart 2 of part E of title I of the Omnibus Crime Con-
18 trol and Safe Streets Act of 1968 (42 U.S.C. 3760 et seq.)
19 is amended by inserting after section 512 the following:

“Sec. 513. Discretionary Rural Set-Aside.”.

20 (e) OTHER DISCRETIONARY RURAL SET-ASIDES.—
21 Part A of title I of the Omnibus Crime Control and Safe
22 Streets Act of 1968 (42 U.S.C. 3760 et seq.) is amended
23 by inserting after section 102 the following new section:

1 **“SEC. 103. DISCRETIONARY RURAL SET-ASIDE.**

2 “(a) SET-ASIDE.—With respect to all other discre-
3 tionary grant programs administered by the Attorney
4 General that relate to criminal or juvenile justice for which
5 no specific legislative authority is given, but for which spe-
6 cific appropriations have been enacted by the Congress
7 (including such programs as the Weed and Seed program,
8 the Juvenile Accountability Incentive Block Grant pro-
9 gram and the Enforcing Underage Drinking Law pro-
10 gram), the Attorney General may choose to specify that
11 a portion of the sums appropriated to carry out such dis-
12 cretionary grant programs in each fiscal year, not to ex-
13 ceed ten percent of such sums, shall be awarded for grants
14 to applicants in rural areas that the Attorney General de-
15 termines are underserved areas.

16 “(b) DEFINITION.—The term ‘rural area’ means an
17 area with a population of 25,000 or less.

18 “(c) REALLOCATION OF UNOBLIGATED FUNDS.—If
19 any amount so obligated under subsection (a) remains un-
20 obligated at the end of the fiscal year, then such amount
21 may be reallocated for distribution to other eligible appli-
22 cants.”.

23 “(f) CONFORMING AMENDMENT.—The analysis for
24 Part A of title I of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3760 et seq.) is amended
 2 by inserting after section 102 the following:

“Sec. 103. Discretionary Rural Set-Aside.”.

3 **SEC. 1004. AMENDMENTS TO THE POLICE CORPS ACT.**

4 Subtitle A of title XX of the Violent Crime Control
 5 and Law Enforcement Act of 1994 (42 U.S.C. 14091 et
 6 seq.) is amended—

7 (1) in section 200107—

8 (A) by redesignating subsections (e) and
 9 (f) as subsections (f) and (g); and

10 (B) by inserting after subsection (c) the
 11 following new subsection:

12 “(d) REIMBURSEMENT OF RECRUITMENT COSTS.—
 13 The Director may make payments to reimburse State lead
 14 agencies for costs of recruitment of applicants in accord-
 15 ance with this section.”; and

16 (2) by inserting after section 200113 the fol-
 17 lowing new section:

18 **“SEC. 200114. STATE ADMINISTRATIVE EXPENSES.**

19 “The Director may make payments to reimburse ad-
 20 ministrative expenses incurred in the operation of State
 21 Police Corps programs, provided that not more than 8 per-
 22 cent of the amount appropriated pursuant to section
 23 200112 may be expended under this section.”.

1 **SEC. 1005. AWARDS TO STATE AND LOCAL LAW ENFORCE-**
2 **MENT.**

3 (a) IN GENERAL.—Section 3374(c)(2) of title 5,
4 United States Code, is amended by inserting “and section
5 4503” after “73”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 this section shall take effect 90 days after the date of the
8 enactment of this Act.

9 **SEC. 1006. REAUTHORIZATION OF BUREAU OF JUSTICE AS-**
10 **SISTANCE AND THE BYRNE STATE AND**
11 **LOCAL LAW ENFORCEMENT ASSISTANCE**
12 **GRANT PROGRAMS.**

13 (a) Strike paragraph (5) of subsection 1001(a) of
14 title I of the Omnibus Crime Control and Safe Streets Act
15 of 1968, as amended (42 U.S.C. 3793(a)(5)), and insert
16 the following new paragraph:

17 “(5) There are authorized to be appropriated
18 for fiscal year 2001 the sum of \$459,950,000 and
19 for the fiscal years 2002 through and including
20 2005 such sums as may be necessary to carry out
21 the programs under parts D and E (other than
22 chapter B of subpart 2 of part E) of this title.”.

23 (b) Title I of the Omnibus Crime Control and Safe
24 Streets Act of 1968 (42 U.S.C. 3751(b)) is amended—

25 (1) by striking “and” at the end of paragraph
26 (25);

1 (2) by striking the period and inserting “; and”
2 at the end of paragraph (26); and

3 (3) by adding at the end the following:

4 “(27) programs for the reduction of the illegal
5 supply of firearms, especially to serious drug offend-
6 ers, juveniles, felons, and other prohibited persons,
7 including comprehensive tracing of firearms recov-
8 ered by law enforcement officials, trace analysis,
9 strategy development and enforcement operations.”.

10 **SEC. 1007. BODY ARMOR PENALTY ENHANCEMENT.**

11 (a) FINDINGS AND SENSE OF THE CONGRESS.—The
12 Congress finds that persons who commit serious criminal
13 offenses while using or carrying body armor pose a special
14 risk to all Americans. The Congress further finds, how-
15 ever, that the States, not the Federal Government, should
16 regulate such conduct—unless a person has otherwise
17 committed an offense that may be prosecuted in a court
18 of the United States. Accordingly, it is the sense of the
19 Congress that officials of State and local governments
20 should act quickly to enact penalty enhancements for the
21 use or carriage of body armor that are at least as stringent
22 as those provided for in the Body Armor Penalty Enhance-
23 ment Act of 1998.

24 (b) Section 929(a)(1) of title 18, United States Code,
25 is amended to read as follows:

1 “(a)(1) Whoever, during and in relation to the com-
2 mission of a crime of violence or drug trafficking crime
3 (including a crime of violence or drug trafficking crime
4 which provides for an enhanced punishment if committed
5 by the use of a deadly or dangerous weapon or device)
6 for which he may be prosecuted in a court of the United
7 States, uses or carries a firearm and is in possession of
8 armor piercing ammunition capable of being fired in that
9 firearm, or who uses or carries body armor, shall, in addi-
10 tion to the punishment provided for the commission of
11 such crime of violence or drug trafficking crime, be sen-
12 tenced to a term of imprisonment of not less than five
13 years.”.

14 (c) Subsection (a) of section 929, title 18, United
15 States Code, is amended by adding a new paragraph (3),
16 as follows:

17 “(3) For purposes of this subsection, ‘body
18 armor’ means bullet-resistant apparel or body armor
19 meeting the requirements of Type I–IV of Standard
20 NILECJ–STD–0101.1, as formulated by the United
21 States Department of Justice, as the Attorney Gen-
22 eral may adopt by regulation.”.

1 **SEC. 1008. EXTENSION OF BULLETPROOF VEST PARTNER-**
2 **SHIP GRANT ACT.**

3 Section 1001(a) of the Omnibus Crime Control and
4 Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is
5 amended—

6 (1) by redesignating paragraph (23), as added
7 by the proof Vest Partnership Grant Act of 1998
8 (42 U.S.C. 3711 note), as paragraph (18); and

9 (2) in paragraph (18), as so redesignated, by
10 striking “fiscal years 1999 and 2001” and inserting
11 “fiscal years 1999 through 2005”.

12 **SEC. 1009. INTEGRATED INFORMATION TECHNOLOGY AS-**
13 **SISTANCE ACT.**

14 (a) **SHORT TITLE.**—This section may be cited as the
15 “Integrated Information Technology Assistance Act of
16 2000”.

17 (b) **PURPOSE.**—The purpose of this section is to im-
18 prove the functioning of the justice system by assisting
19 States, Indian tribal governments, and units of local gov-
20 ernment in developing and improving integrated justice in-
21 formation sharing systems that allow the necessary ex-
22 change of information between components of the justice
23 system, including law enforcement, courts, prosecution,
24 public defense, corrections, and probation and parole, as
25 well as with other governmental agencies, in order to
26 strengthen and improve the justice system.

1 (c) GRANT PROGRAM.—Title I of the Omnibus Crime
 2 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
 3 et seq.) is amended—

4 (1) by redesignating part Z as part AA;

5 (2) by redesignating section 2601 as 2701; and

6 (3) by inserting after part Y the following new
 7 part:

8 **“PART Z—INTEGRATED INFORMATION SYSTEMS**
 9 **ASSISTANCE**

10 **“SEC. 2601. INTEGRATED INFORMATION SYSTEMS ASSIST-**
 11 **ANCE PROGRAM.**

12 “(a) GENERAL PROGRAM PURPOSE.—The purpose of
 13 this part is to improve the functioning of the justice sys-
 14 tem by assisting States, Indian tribal governments, and
 15 units of local government in developing and improving in-
 16 tegrated justice information sharing systems that allow
 17 the necessary exchange of information between compo-
 18 nents of the justice system, including law enforcement,
 19 courts, prosecution, public defense, corrections, and proba-
 20 tion and parole, as well as with other governmental agen-
 21 cies, in order to strengthen and improve the justice sys-
 22 tem.

23 “(b) AUTHORITY OF ASSISTANT ATTORNEY GEN-
 24 ERAL.—The Assistant Attorney General for the Office of
 25 Justice Programs may—

1 “(1) make grants to or enter into cooperative
2 agreements or contracts with public agencies, Indian
3 tribal governments, institutions of higher education,
4 private organizations, non-profit entities, commu-
5 nity-based organizations, private individuals, inter-
6 national agencies, or interagency agreements with
7 other Federal agencies, for functions established in
8 and purposes related to this part;

9 “(2) provide technical assistance and training
10 in support of nationally integrated justice informa-
11 tion sharing systems. Technical assistance may
12 include—

13 “(A) INTEGRATION MODELS.—The devel-
14 opment of flexible models that will define for
15 public agencies, Indian tribal governments, and
16 other public and private entities, integrated jus-
17 tice systems and strategies associated with
18 planning, funding, implementing, and maintain-
19 ing these systems; and

20 “(B) STRATEGIC PLANNING ASSIST-
21 ANCE.—Providing public agencies and Indian
22 tribal governments assistance in developing
23 plans for integrated information systems that
24 involve all criminal justice components, and

1 where appropriate, other governmental agen-
2 cies;

3 “(3) work with and establish guidelines for the
4 Office, the Bureau of Justice Assistance, the Bureau
5 of Justice Statistics, the National Institute of Jus-
6 tice, the Office of Juvenile Justice and Delinquency
7 Prevention, and the Office for Victims of Crime, to
8 ensure that funding for information technology dis-
9 bursed under purposes set forth in their governing
10 statutes is used to develop integrated information
11 systems;

12 “(4) utilize other components of the Office, the
13 Bureau of Justice Assistance, the Bureau of Justice
14 Statistics, the National Institute of Justice, the Of-
15 fice of Juvenile Justice and Delinquency Prevention,
16 and the Office for Victims of Crime to carry out the
17 functions of this part;

18 “(5) provide staff support to coordinate the ac-
19 tivities of the Office, the Bureau of Justice Assist-
20 ance, the Bureau of Justice Statistics, the National
21 Institute of Justice, the Office of Juvenile Justice
22 and Delinquency Prevention, and the Office for Vic-
23 tims of Crime, and other Department of Justice
24 agencies as they relate to the development of a na-

1 tional integrated justice information sharing capa-
2 bility;

3 “(6) act as a liaison to and where appropriate
4 assist in establishing guidelines for other Depart-
5 ment of Justice agencies that provide funding to
6 public agencies or Indian tribal governments for in-
7 formation technology to ensure that funding for in-
8 formation technology disbursed under purposes set
9 forth in their governing statutes is used to develop
10 integrated information systems;

11 “(7) act as a liaison to and where appropriate
12 assist in establishing guidelines with other agencies
13 that provide funding to public agencies or Indian
14 tribal governments for information technology for
15 the purposes of coordinating information systems in-
16 tegration and standards development;

17 “(8) consult with and utilize services, equip-
18 ment, personnel, information, and facilities of other
19 Federal, State, local, and private agencies and in-
20 strumentalities with or without reimbursement
21 therefor where necessary to accomplish the goals of
22 this part. This authority shall be deemed authority
23 to rely on authorizing legislation of the other Fed-
24 eral agencies to carry out the purposes of this part
25 though not expressly contained herein;

1 “(9) initiate research and development to sup-
2 port the purposes of this part with the National In-
3 stitute of Justice, the Bureau of Justice Statistics,
4 the Office of Juvenile Justice and Delinquency Pre-
5 vention and other public or private research organi-
6 zations, including seeking the cooperation of the ju-
7 dicial branches of State, local, and Indian tribal gov-
8 ernments in coordinating civil and criminal justice
9 research and development relating to integration of
10 the justice system. The Assistant Attorney General
11 for the Office of Justice Programs may enter into
12 partnerships with the National Science Foundation
13 or other public or private research organizations to
14 develop a research agenda to advance information
15 technology applications, including integration stand-
16 ards development. The Assistant Attorney General
17 for the Office of Justice Programs may also engage
18 in other partnerships that may benefit integrated in-
19 formation technology research and development to
20 accomplish the purposes of this part;

21 “(10) evaluate and assess the current status of
22 integrated justice within the United States and pro-
23 vide such information for the benefit of developing
24 integrated justice information systems;

1 “(11) develop a national information resource
2 center for the assessment, evaluation, and develop-
3 ment of a national integrated justice system capa-
4 bility and collect, prepare, and disseminate to inter-
5 ested State and local criminal justice agencies infor-
6 mation, including recommendations, pertaining to
7 the planning, development, implementation, funding,
8 and ongoing management of integrated justice infor-
9 mation systems. The national resource center shall
10 operate with the best available technology for col-
11 laboration and information exchange among justice
12 system practitioners;

13 “(12) disseminate information on integration
14 approaches and resources to State and local jurisdic-
15 tions;

16 “(13) assist public agencies and Indian tribal
17 governments in integrated justice information sys-
18 tem planning;

19 “(14) develop demonstration sites and model
20 sites for integrated justice systems that assist public
21 agencies and Indian tribal governments that have
22 demonstrated and implemented existing best prac-
23 tices to complete the final phases of their integration
24 initiatives. These demonstration project jurisdictions
25 may be used as a basis for establishing peer-to-peer

1 technical assistance relationships for integrated jus-
2 tice, and funding may be made available to support
3 the jurisdictions' peer-to-peer technical assistance
4 programs and for evaluation of the demonstration
5 projects;

6 “(15) initiate and coordinate the development,
7 application, and implementation of a voluntary sys-
8 tem for creating appropriate national integration
9 standards for the justice system;

10 “(16) act as liaison to public agencies and In-
11 dian tribal governments to facilitate the goal of inte-
12 grated justice. Liaison functions may include pro-
13 viding forums for broad collaboration on integrated
14 justice information systems planning, implementa-
15 tion, funding, ongoing system administration, stand-
16 ards development, and other areas;

17 “(17) ensure consideration of enhanced security
18 and privacy related to integrated justice information
19 sharing systems;

20 “(18) establish partnerships with public or pri-
21 vate agencies and private organizations or individ-
22 uals in furtherance of the purposes of this part in-
23 cluding for the purposes of—

1 “(A) undertaking information technology
2 education and training programs for criminal
3 justice personnel;

4 “(B) providing technical assistance for in-
5 formation technology to public agencies and In-
6 dian tribal governments;

7 “(C) undertaking projects that are na-
8 tional or multi-jurisdictional in scope and that
9 address the purposes specified in this section;
10 and

11 “(D) development, implementation, and
12 proliferation of information technology and inte-
13 gration demonstration programs which, in view
14 of previous research or experience, are likely to
15 be a success in more than one jurisdiction;

16 “(19) make recommendations to Congress re-
17 garding better coordination of agency funding in
18 general to public agencies and Indian tribal govern-
19 ments for information technology; and

20 “(20) exercise such other powers and functions
21 as may be vested in the Assistant Attorney General
22 for the Office of Justice Programs pursuant to title
23 I of the Omnibus Crime Control and Safe Streets
24 Act of 1968 or by delegation of the Attorney Gen-
25 eral.

1 “(c) COOPERATION IN DEVELOPING PROGRAMS IN
2 MAKING GRANTS UNDER THIS PART.—The Assistant At-
3 torney General for the Office of Justice Programs shall
4 ensure that model programs carried out pursuant to
5 awards made under this part are developed with the par-
6 ticipation of State and local officials from law enforce-
7 ment, courts, prosecution, public defense, corrections, pro-
8 bation and parole agencies, and recognized experts in the
9 area of integrated information sharing systems.

10 **“SEC. 2602. AWARDS.**

11 “(a) PURPOSES FOR WHICH AWARDS MAY BE
12 USED.—Awards under this part shall provide technical as-
13 sistance, strategic planning assistance, equipment and
14 other support for the development, implementation, im-
15 provement, update or upgrade of justice information sys-
16 tems to achieve greater integration and improved informa-
17 tion sharing among criminal justice agencies, specifically
18 for purposes that may include—

19 “(1) supporting development of statewide or re-
20 gional strategic plans for integrating State and local
21 criminal justice information sharing systems, and to
22 the extent they benefit criminal justice, affiliated in-
23 formation systems including health and human serv-
24 ices, social services, education, and transportation
25 systems;

1 “(2) developing information technology-related
2 training for criminal justice agency employees;

3 “(3) developing, implementing, updating or up-
4 grading computerized information systems of law en-
5 forcement, courts, prosecution, public defense, cor-
6 rections, probation and parole agencies for the pur-
7 pose of improving information exchange among
8 criminal justice agencies, and to the extent they ben-
9 efit criminal justice, developing, implementing, up-
10 dating, or upgrading computerized information sys-
11 tems of affiliated governmental agencies, including
12 health and human services, social services, edu-
13 cation, and transportation;

14 “(4) developing demonstration projects and
15 model sites for integrated justice information sys-
16 tems;

17 “(5) supporting the creation and operation of
18 integration governance boards; and

19 “(6) purchasing, updating, or upgrading infor-
20 mation technology equipment in a way that will en-
21 hance agency efficiency and interoperability, enhance
22 system security and privacy safeguards, and support
23 a fully integrated justice system.

24 “(b) AWARD RECIPIENT AUTHORITY.—Notwith-
25 standing any other provision of law, recipients of awards

1 under the Omnibus Crime Control and Safe Streets Act
2 of 1968, the Juvenile Justice and Delinquency Prevention
3 Act of 1974, the Victims of Crime Act of 1984, the Violent
4 Crime Control and Law Enforcement Act of 1994, and
5 the Crime Identification Technology Act of 1998 to the
6 extent such award is used to plan, develop, purchase, up-
7 grade, update, or implement an information technology
8 system, may use such awards jointly, provided that—

9 “(1) the combined funding is used toward the
10 planning, design, purchase, update or upgrade, or
11 implementation of a system that is fully integrated
12 or is capable of being integrated with all components
13 of the criminal justice system (law enforcement,
14 courts, prosecution, public defense, corrections, pro-
15 bation and parole); and

16 “(2) the system as developed and implemented
17 benefits and supports the purposes of each program
18 from which funding was derived.

19 **“SEC. 2603. APPLICATIONS.**

20 “(a) **APPLICANTS.**—Applicants may be public agen-
21 cies, Indian tribal governments, colleges and universities,
22 private nonprofit or for profit agencies, private organiza-
23 tions, private individuals, international organizations, or
24 consortia of eligible applicants.

1 “(b) INTEGRATION PLANNING AWARDS.—To request
2 an award for integration planning under this part, an ap-
3 plicant shall submit an application that contains a state-
4 ment of the plan objective and identifies the body or bodies
5 that will oversee the planning process. If the application
6 for an integration planning award is made by a unit of
7 local government or units of local government, the appli-
8 cant shall demonstrate that the plan takes into account
9 any statewide or regional information technology plans
10 and how those plans work toward achieving a statewide
11 information architecture that will permit interoperability
12 among all components of the justice system.

13 “(c) TECHNICAL ASSISTANCE AWARDS.—To request
14 an award for technical assistance, equipment or other sup-
15 port, an applicant shall submit an application that in-
16 cludes a plan for use of information technology to improve
17 information exchange among criminal justice agencies.
18 This plan shall be prepared after consultation with State,
19 local or Indian tribal government officials with emphasis
20 on the recommendation of officials whose duty it is to
21 oversee, plan, implement, and maintain justice informa-
22 tion systems, and shall contain those elements set forth
23 by the Assistant Attorney General for the Office of Justice
24 Programs;

1 “(d) CONTENT OF APPLICATIONS.—All applications
2 shall include the following assurances:

3 “(1) an assurance that the individual(s) who
4 developed the application took into consideration the
5 information needs of all branches of the State or
6 local government, or Indian tribal government;

7 “(2) an assurance that any information tech-
8 nology equipment or computer applications will be
9 purchased in accordance with and in furtherance of
10 integrated justice system information strategies and
11 architectures of public agencies and Indian tribal
12 governments and will support open system design;

13 “(3) an assurance that any integration planning
14 and implementation will include consideration of
15 necessary linkages to Federal information systems;
16 and

17 “(4) an assurance that any integration planning
18 and implementation will include the consideration of
19 planning and implementation of wireless and
20 geomapping technologies.

21 **“SEC. 2604. GRANT LIMITATIONS.**

22 “(a) FEDERAL SHARE.—The Federal share of a
23 grant made under this part may not exceed 75 percent
24 of the total costs of the program described in the applica-
25 tion submitted under section 2603 of this part for the fis-

1 cal year for which the program receives assistance under
2 this part, unless the Assistant Attorney General for the
3 Office of Justice Programs waives, wholly or in part, the
4 requirement of a matching contribution under this section.
5 In-kind contributions may constitute a portion of the non-
6 Federal share of an award. State and local units of gov-
7 ernment may use cash received under the equitable shar-
8 ing program to cover the non-Federal portion of the costs
9 of programs funded under this part.

10 “(b) ADMINISTRATIVE AND EVALUATION COSTS.—
11 Not more than 3 percent of a grant made to an eligible
12 State or locality under this part may be used for costs
13 incurred to administer such grant and evaluate the pro-
14 gram.

15 “(c) NONSUPPLANTING REQUIREMENT.—Funds
16 made available under this part to a governmental entity
17 shall not be used to supplant State or local funds, or in
18 the case of Indian tribal governments, funds supplied by
19 the Bureau of Indian Affairs, but shall be used to increase
20 the amount of funds that would, in the absence of Federal
21 funds received under this part, be made available from
22 State or local sources, or in the case of Indian tribal gov-
23 ernments, from funds supplied by the Bureau of Indian
24 Affairs.

1 “(d) PERSONNEL COSTS.—Notwithstanding any
2 other provision of law, funding under this part may be
3 used to pay for the costs of retaining qualified technical
4 personnel for the development of specified projects. Regu-
5 lations shall be promulgated within 180 days of the date
6 of enactment of this part to carry out this provision.

7 “(e) PRIORITY OF AWARDS.—Priority will be given
8 to applicants for awards under this part who demonstrate
9 that assistance will be for activities or purchases of equip-
10 ment or computer applications that are in accordance with
11 or in furtherance of development of integrated justice sys-
12 tem information strategies and architectures of public
13 agencies or Indian tribal governments and that support
14 open system design.

15 **“SEC. 2605. ACCOUNTABILITY.**

16 “(a) FISCAL REQUIREMENTS.—A recipient of funds
17 under this part shall use accounting, audit, and fiscal pro-
18 cedures that conform to guidelines prescribed by the At-
19 torney General, and shall ensure that any funds used to
20 carry out the programs under this part shall represent the
21 best value for the public agency or Indian tribal govern-
22 ment at the lowest possible cost and employ the most ap-
23 propriate technology.

24 “(b) ADMINISTRATIVE PROVISIONS.—The adminis-
25 trative provisions of part H of title I of the Omnibus

1 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
2 3782–3789) shall apply to the Assistant Attorney General
3 for the Office of Justice Programs under this part in the
4 same manner that such provisions apply to the officials
5 listed in such sections.

6 **“SEC. 2606. REVIEW OF APPLICATIONS.**

7 “Financial assistance upon approval of application or
8 amendment. The Assistant Attorney General for the Of-
9 fice of Justice Programs may provide financial assistance
10 to each applicant under this part to carry out the pro-
11 grams or projects submitted by such applicant upon deter-
12 mining that—

13 “(1) the application or amendment thereto is
14 consistent with the requirements of this part; and

15 “(2) before the approval of the application and
16 any amendment thereto the Assistant Attorney Gen-
17 eral for the Office of Justice Programs has made an
18 affirmative finding in writing that the program or
19 project has been reviewed in accordance with this
20 part.

21 **“SEC. 2607. REPORTING REQUIREMENTS.**

22 “Each awardee receiving funds under this part shall
23 submit a report to the Assistant Attorney General for the
24 Office of Justice Programs evaluating the effectiveness of
25 projects developed with funds provided under this part and

1 containing such additional information as the Assistant
2 Attorney General for the Office of Justice Programs may
3 prescribe.

4 **“SEC. 2608. NATIONAL INSTITUTE OF JUSTICE.**

5 “The National Institute of Justice at the request of
6 the Assistant Attorney General for the Office of Justice
7 Programs shall undertake necessary research and develop-
8 ment and provide training and technical assistance to ac-
9 complish the purposes of this part, and the Assistant At-
10 torney General shall transfer the necessary funds to the
11 Institute for these purposes.

12 **“SEC. 2609. NON-APPLICABILITY OF THE FEDERAL ADVI-
13 SORY COMMITTEE ACT.**

14 “Committees, consortia, focus groups, peer review
15 panels, or other groups convened to undertake the pur-
16 poses of this part shall be exempt from the requirements
17 of the Federal Advisory Committees under the Federal
18 Advisory Committee Act (5 U.S.C. App. II).”.

19 (d) CONFORMING AMENDMENTS.—Section 102 of
20 title I of the Crime Identification Technology Act of 1998
21 is amended—

22 (1) by amending subsection (c)(2) to read as
23 follows:

24 “(c)(2) INFORMATION SHARING.—Such assurances
25 shall include a provision that ensures that a statewide

1 strategy for information sharing systems is underway to
2 improve the functioning of the criminal justice system,
3 with an emphasis on integration of all criminal justice
4 components, law enforcement, courts, prosecution, public
5 defense, corrections, and probation and parole. The strat-
6 egy shall be prepared in accordance with the requirements
7 under subsections (c) and (d) of section 2603 of title I
8 of the Omnibus Crime Control and Safe Streets Act of
9 1968.”; and

10 (2) by inserting after subsection (f) the fol-
11 lowing:

12 “(g) FEDERAL ASSISTANCE TO IMPROVE THE IN-
13 FORMATION SHARING CAPACITY OF PUBLIC DEFEND-
14 ERS.—The Office of Justice Programs shall, subject to the
15 availability of appropriation, make grants for States and
16 units of local government to pay the costs of providing
17 increased resources for public defense information systems
18 as necessary to meet the needs of increased information
19 sharing capability of public defenders under integrated
20 criminal criminal justice information systems funded by
21 this Act.”.

1 **SEC. 1010. AUTHORIZATION TO LINK STATE AND LOCAL**
2 **LAW ENFORCEMENT TO WORLDWIDE POLICE**
3 **COMMUNICATIONS NETWORK.**

4 The INTERPOL-U.S. National Central Bureau is
5 hereby authorized to provide automation-related equip-
6 ment and associated support to link State, local, and tribal
7 law enforcement agencies to INTERPOL's worldwide po-
8 lice communications network, and to train State and local,
9 law enforcement in using this equipment and
10 INTERPOL's investigative capabilities.

11 **SEC. 1011. INCLUSION OF FEDERAL, MILITARY, AND DIS-**
12 **TRICT OF COLUMBIA OFFENDERS IN THE**
13 **DNA IDENTIFICATION INDEX.**

14 (a) EXPANSION OF DNA IDENTIFICATION INDEX.—
15 Section 811(a)(2) of the Antiterrorism and Effective
16 Death Penalty Act of 1996 is amended to read as follows:
17 “(2) the Director of the Federal Bureau of Investigation
18 may expand the combined DNA Identification System
19 (CODIS) to include information on DNA identification
20 records and analyses related to Federal crimes, crimes
21 under the Uniform Code of Military Justice, and crimes
22 under the District of Columbia Code, in accordance with
23 section 210304 of the Violent Crime Control and Law En-
24 forcement Act of 1994 (42 U.S.C. 14132).”.

25 (b) AMENDMENTS TO DNA IDENTIFICATION STAT-
26 UTE.—Section 210304 of the Violent Crime Control and

1 Law Enforcement Act of 1994 (42 U.S.C. 14132) is
2 amended—

3 (1) in subsection (a)—

4 (A) by amending paragraph (1) to read as
5 follows:

6 “(1) DNA identification records of persons con-
7 victed of or adjudicated delinquent for crimes;”;

8 (B) in paragraph (2), by striking “and”;

9 (C) in paragraph (3), by striking the pe-
10 riod and inserting “; and”; and

11 (D) by inserting at the end the following:

12 “(4) analyses of DNA samples voluntarily con-
13 tributed from relatives of missing persons.”;

14 (2) in subsection (b)(2), by striking “, at reg-
15 ular intervals of not to exceed 180 days,” and insert-
16 ing “semi-annual”;

17 (3) by redesignating subsection (c) as sub-
18 section (f); and

19 (4) by inserting after subsection (b) the fol-
20 lowing:

21 “(c) FEDERAL AND DISTRICT OF COLUMBIA
22 CRIMES.—(1) The Director of the Federal Bureau of In-
23 vestigation shall include in the index established by this
24 section DNA identification records from persons convicted
25 of or adjudicated delinquent for qualifying crimes under

1 Federal law or the District of Columbia Code, as defined
2 in regulations promulgated by the Director. The Director
3 of the Federal Bureau of Investigation shall also promul-
4 gate regulations establishing standards and procedures for
5 the analysis of the DNA samples collected from such per-
6 sons, and the inclusion of the analyses and DNA identi-
7 fication records relating to those samples in the index.
8 Disclosure of information on such DNA identification
9 records and DNA analyses shall be in conformity with sub-
10 section (b)(3). In promulgating regulations under this
11 paragraph, the Director of the Federal Bureau of Inves-
12 tigation shall consult with the Director of the Bureau of
13 Prisons, the Director of the Court Services and Offender
14 Supervision Agency for the District of Columbia or the
15 Trustee appointed under § 11232(a) of the Balanced
16 Budget Act of 1997, and the Chief of Police of the Metro-
17 politan Police Department of the District of Columbia.

18 “(2) The Bureau of Prisons shall collect a DNA sam-
19 ple from each person who is in its custody on or after
20 the effective date of this subsection and who has been con-
21 victed of or adjudicated delinquent for a qualifying crime.
22 The Director of the Bureau of Prisons shall specify the
23 time and manner of collection of DNA samples from such
24 persons.

1 “(3) The probation office responsible for a person’s
2 supervision shall collect a DNA sample from each person
3 who is on supervised release, parole, or probation on or
4 after the effective date of this subsection and who has been
5 convicted of or adjudicated delinquent for a qualifying
6 crime. The Director of the Administrative Office of the
7 United States Courts shall specify the time and manner
8 of collection of DNA samples from such persons.

9 “(4)(A) The Court Services and Offender Supervision
10 Agency for the District of Columbia or the Trustee ap-
11 pointed under § 11232(a) of the Balanced Budget Act of
12 1997 shall collect a DNA sample from each person under
13 the supervision of the Agency or Trustee who is on super-
14 vised release, parole, or probation on or after the effective
15 date of this subsection and who has been convicted of a
16 qualifying crime. The Director of the Agency or the Trust-
17 ee shall specify the time and manner of collection of DNA
18 samples from such persons.

19 “(B) The Government of the District of Columbia
20 shall have the authority to collect DNA samples from per-
21 sons who are in the custody of or under supervision by
22 the District of Columbia on or after the effective date of
23 this subsection, including the authority to determine the
24 categories of such persons from whom DNA samples will
25 be collected. For purposes of this subparagraph, ‘persons

1 who are in the custody of or under supervision by the Dis-
2 trict of Columbia’ means persons who are in the custody
3 of or under supervision by any agency of the Government
4 of the District of Columbia, other than persons who are
5 under the supervision of the Trustee appointed under
6 § 11232(a) of the Balanced Budget Act of 1997.

7 “(5) The agencies responsible for collecting DNA
8 samples under paragraph (2), (3), or (4)—

9 “(A) may waive the collection of a sample from
10 a person if another agency has collected or will col-
11 lect such a sample from the person; and

12 “(B) may use or authorize the use of such
13 means as are necessary to restrain and collect a
14 sample from a person who refuses to cooperate in
15 the collection of a sample.

16 “(d) MILITARY OFFENDERS.—(1) The Secretary of
17 Defense shall specify categories of conduct punishable
18 under the Uniform Code of Military Justice (hereafter,
19 ‘qualifying military crimes’) which are comparable to the
20 crimes specified by the Director of the Federal Bureau
21 of Investigation under subsection (c)(1). The Secretary
22 shall promulgate regulations establishing standards and
23 procedures for—

24 “(A) the collection of DNA samples from per-
25 sons convicted of qualifying military crimes;

1 “(B) the analysis of DNA samples collected
2 from such persons; and

3 “(C) the inclusion of the analyses of such DNA
4 samples and DNA identification records relating to
5 those samples in the index established by this sec-
6 tion.

7 “(2)(A) A DNA sample shall be collected from each
8 person who is in custody or under supervision on or after
9 the effective date of this subsection and who has been con-
10 victed of a qualifying military crime. The Secretary shall
11 collect the sample, or arrange for its collection as provided
12 in subparagraph (B).

13 “(B) The Secretary may arrange to have a DNA
14 sample collected from a person by the Bureau of Prisons
15 or another agency responsible for the collection of DNA
16 samples under subsection (c), if the person is or will be
17 in the custody of or under supervision by the Bureau of
18 Prisons or such other agency. The Bureau of Prisons or
19 other agency shall have the authority to collect a sample
20 from such a person and shall exercise this authority as
21 requested by the Secretary.

22 “(C) The Secretary shall have the powers described
23 in subsection (c)(5) in relation to a person from whom
24 the collection of a DNA sample is required by this sub-
25 section.

1 “(e) CRIMINAL PENALTY.—A person who refuses to
2 cooperate in the collection of a DNA sample from the per-
3 son, where the collection of such a sample is required pur-
4 suant to subsection (c) or (d), commits a Class A mis-
5 demeanor.”.

6 (c) CONDITIONS OF RELEASE.—(1) Section 3563(a)
7 of title 18, United States Code, is amended—

8 (A) in paragraph (7), by striking “assessments;
9 and” and inserting “assessments;”;

10 (B) in paragraph (8), by striking “1994.” and
11 inserting “1994); and”; and (C) by inserting imme-
12 diately after paragraph (8) the following:

13 “(9) that the defendant cooperate in the collec-
14 tion of a DNA sample from the defendant if the col-
15 lection of such a sample is required pursuant to sec-
16 tion 210304 of the Violent Crime Control and Law
17 Enforcement Act of 1994 (42 U.S.C. 14132).”.

18 (2) Section 3583(d) of title 18, United States
19 Code, is amended by inserting before “The court
20 shall also order” the following: “The court shall
21 order as an explicit condition of supervised release
22 that the defendant cooperate in the collection of a
23 DNA sample from the defendant if the collection of
24 such a sample is required pursuant to section

1 210304 of the Violent Crime Control and Law En-
2 forcement Act of 1994 (42 U.S.C. 14132).”.

3 (3) Section 4209(a) of title 18, United States
4 Code, is amended by inserting before “In every case,
5 the Commission shall also impose” the following: “In
6 every case, the Commission shall impose as a condi-
7 tion of parole that the parolee cooperate in the col-
8 lection of a DNA sample from the parolee if the col-
9 lection of such a sample is required pursuant to sec-
10 tion 210304 of the Violent Crime Control and Law
11 Enforcement Act of 1994 (42 U.S.C. 14132).”.

12 (4) For any person who has been convicted of or ad-
13 judicated delinquent for a Federal crime, a crime under
14 the Uniform Code of Military Justice, or a crime under
15 the District of Columbia Code, if the person is to be re-
16 leased on probation, parole, or supervised release, the sen-
17 tencing court or other agency responsible for the imposi-
18 tion of release conditions shall impose as a condition of
19 the probation, parole, or supervised release that the person
20 cooperate in the collection of a DNA sample from the per-
21 son if the collection of such a sample is required pursuant
22 to section 210304 of the Violent Crime Control and Law
23 Enforcement Act of 1994 (42 U.S.C. 14132).

24 (d) EFFECTIVE DATE.—The amendments made by
25 this section shall take effect 180 days after enactment.

1 **TITLE II—BREAKING THE CYCLE**
2 **OF DRUGS AND VIOLENCE**
3 **Subtitle A—Zero Tolerance Drug**
4 **Supervision**

5 **SEC. 2001. GRANT AUTHORITY.**

6 The Attorney General may make grants to States and
7 units of local government, State courts, local courts, and
8 Indian tribal governments, acting directly or through
9 agreements with other public or private entities, for pro-
10 grams that support—

11 (1) developing and/or implementing comprehen-
12 sive drug testing policies and practices with regard
13 to criminal justice populations; and

14 (2) establishing appropriate interventions to il-
15 legal drug use for offender populations. Applicants
16 may choose to submit joint proposals with other eli-
17 gible criminal justice/court agencies for systemic
18 drug testing and intervention programs; in this case,
19 one organization must be designated as the primary
20 applicant.

21 **SEC. 2002. ADMINISTRATION.**

22 (a) CONSULTATION/COORDINATION.—In carrying out
23 section 2001, the Attorney General shall coordinate with
24 the other Justice Department initiatives that address drug
25 testing and interventions in the criminal justice system.

1 (b) GUIDELINES.—The Attorney General may issue
2 guidelines necessary to carry out section 2001.

3 (c) APPLICATIONS.—In addition to any other require-
4 ments that may be specified by the Attorney General, an
5 application for a grant under section 2001 shall—

6 (1) reflect a comprehensive approach that rec-
7 ognizes the importance of collaboration and a con-
8 tinuum of testing, treatment, and other interven-
9 tions;

10 (2) include a long-term strategy and detailed
11 implementation plan;

12 (3) address the applicant’s capability to con-
13 tinue the proposed program following the conclusion
14 of Federal support;

15 (4) identify related governmental or community
16 initiatives which complement or will be coordinated
17 with the proposal;

18 (5) certify that there has been appropriate con-
19 sultation with affected agencies and key stakeholders
20 throughout the criminal justice system and that
21 there will be continued coordination throughout the
22 implementation of the program; and

23 (6) describe the methodology that will be used
24 in evaluating the program.

1 **SEC. 2003. APPLICATIONS.**

2 To request funds under section 2001, interested ap-
3 plicants shall submit an application to the Attorney Gen-
4 eral in such form and containing such information as the
5 Attorney General may reasonably require. Federal funding
6 shall be awarded on a competitive basis based on criteria
7 established by the Attorney General and specified in pro-
8 gram guidelines.

9 **SEC. 2004. FEDERAL SHARE.**

10 The Federal share of a grant made under section
11 2001 may not exceed 75 percent of the total cost of the
12 program described in the application submitted for the fis-
13 cal year for which the program receives assistance under
14 section 2001, unless the Attorney General waives, wholly
15 or in part, the requirement of a matching contribution
16 under this section. In-kind contributions may constitute
17 a portion of the non-federal share of a grant.

18 **SEC. 2005. GEOGRAPHIC DISTRIBUTION.**

19 The Attorney General shall ensure that, to the extent
20 practicable, an equitable geographic distribution of grant
21 awards under section 2001 is made, with rural and tribal
22 jurisdiction representation.

1 **SEC. 2006. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-**
2 **UATION.**

3 (a) TECHNICAL ASSISTANCE AND TRAINING.—The
4 Attorney General shall provide technical assistance and
5 training in furtherance of the purposes of section 2001.

6 (b) EVALUATION.—In addition to any evaluation re-
7 quirements that may be prescribed for grantees, the Attor-
8 ney General may carry out or make arrangements for a
9 rigorous evaluation of the programs that receive support
10 under section 2001.

11 (c) ADMINISTRATION.—The technical assistance,
12 training, and evaluations authorized by this section may
13 be carried out directly by the Attorney General or through
14 grants, contracts, or cooperative agreements with other
15 entities.

16 **SEC. 2007. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to carry out
18 sections 2001 through 2006 \$75,000,000 for fiscal year
19 2001 and such sums as may be necessary for fiscal years
20 2002 through 2005.

21 **SEC. 2008. PERMANENT SET-ASIDE FOR RESEARCH AND**
22 **EVALUATION.**

23 The Attorney General shall reserve not less than 1
24 percent and no more than 3 percent of the sums appro-
25 priated under section 2007 in each fiscal year for research
26 and evaluation of this program.

1 **SEC. 2009. ADDITIONAL REQUIREMENTS FOR THE USE OF**
2 **FUNDS UNDER THE VIOLENT OFFENDER IN-**
3 **CARCERATION AND TRUTH-IN-SENTENCING**
4 **GRANT PROGRAMS.**

5 Section 20105(b) of the Violent Crime Control and
6 Law Enforcement Act of 1994 (42 U.S.C. 13705(b)) is
7 amended to read as follows:

8 “(b) Additional Requirements.—

9 “(1) ELIGIBILITY FOR GRANT.—To be eligible
10 to receive a grant under section 20103 or section
11 20104, a State shall—

12 “(A) provide assurances to the Attorney
13 General that the State has implemented or will
14 implement not later than 18 months after the
15 date of the enactment of this subtitle, policies
16 that provide for the recognition of the rights of
17 crime victims; and

18 “(B) no later than September 1, 2000,
19 have a program of drug testing and interven-
20 tion for appropriate categories of convicted of-
21 fenders during periods of incarceration and
22 criminal justice supervision, with sanctions in-
23 cluding denial or revocation of release for posi-
24 tive drug tests, consistent with guidelines issued
25 by the Attorney General.

1 “(2) USE OF FUNDS.—Funds provided under
2 section 20103 or section 20104 of this subtitle may
3 be applied to the cost of offender drug testing and
4 appropriate intervention programs during periods of
5 incarceration and criminal justice supervision, con-
6 sistent with guidelines issued by the Attorney Gen-
7 eral. Further, such funds may be used by the States
8 to pay the costs of providing to the Attorney General
9 a baseline study on their prison drug abuse problem.
10 Such studies shall be consistent with guidelines
11 issued by the Attorney General.

12 “(3) SYSTEM OF SANCTIONS AND PENALTIES.—
13 Beginning in fiscal year 2001, and thereafter, States
14 receiving funds pursuant to section 20103 or section
15 20104 of this subtitle shall have a system of sanc-
16 tions and penalties that address drug trafficking
17 within and into correctional facilities under their ju-
18 risdiction. Such systems shall be in accordance with
19 guidelines issued by the Attorney General. Begin-
20 ning in fiscal year 2001, and each year thereafter,
21 any State that the Attorney General determines not
22 to be in compliance with the provisions of this para-
23 graph shall have the funds it would have otherwise
24 been eligible to receive under section 20103 or sec-
25 tion 20104 reduced by 10 percent for each fiscal

1 year for which the Attorney General determines it
2 does not comply. Any funds that are not allocated
3 for failure to comply with this section shall be reallo-
4 cated to States that comply with this section.”.

5 **SEC. 2010. REAUTHORIZATION OF THE RESIDENTIAL SUB-**
6 **STANCE ABUSE TREATMENT GRANT PRO-**
7 **GRAM.**

8 Paragraph (17) of section 1001(a) of title I of the
9 Omnibus Crime Control and Safe Streets Act of 1968 (42
10 U.S.C. 3793(a)(17)) is amended to read as follows:

11 “(17) There are authorized to be appropriated
12 to carry out part S \$65,100,000 for fiscal year 2001
13 and such sums as may be necessary for fiscal years
14 2002 through 2005.”.

15 **SEC. 2011. USE OF RESIDENTIAL SUBSTANCE ABUSE**
16 **TREATMENT GRANTS TO PROVIDE FOR SERV-**
17 **ICES DURING AND AFTER INCARCERATION.**

18 Section 1901 of title I of the Omnibus Crime Control
19 and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is
20 amended by adding at the end the following:

21 “(c) **ADDITIONAL USE OF FUNDS.**—States that dem-
22 onstrate that they have existing in-prison drug treatment
23 programs that are in compliance with Federal require-
24 ments may use funds awarded under this part for treat-

1 ment and sanctions both during incarceration and after
2 release.”.

3 **SEC. 2012. REESTABLISHMENT OF DRUG COURTS.**

4 (a) DRUG COURTS.—Title I of the Omnibus Crime
5 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
6 et seq.) is amended by inserting after part U the following
7 new part:

8 **“PART V—DRUG COURTS**

9 **“SEC. 2201. GRANT AUTHORITY.**

10 “The Attorney General may make grants to States,
11 State courts, local courts, units of local government, and
12 Indian tribal governments, acting directly or through
13 agreements with other public or private entities, for pro-
14 grams that involve—

15 “(1) continuing judicial supervision over offend-
16 ers with substance abuse problems who are not vio-
17 lent offenders; and

18 “(2) the integrated administration of other
19 sanctions and services, which shall include—

20 “(A) mandatory periodic testing for the
21 use of controlled substances or other addictive
22 substances during any period of supervised re-
23 lease or probation for each participant;

24 “(B) substance abuse treatment for each
25 participant;

1 “(C) diversion, probation, or other super-
2 vised release involving the possibility of prosecu-
3 tion, confinement, or incarceration based on
4 noncompliance with program requirements or
5 failure to show satisfactory progress; and

6 “(D) offender management, and aftercare
7 services such as relapse prevention, health care,
8 education, vocational training, job placement,
9 housing placement, and child care or other fam-
10 ily support services for each participant who re-
11 quires such services.

12 **“SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT**
13 **OFFENDERS.**

14 “The Attorney General shall—

15 “(1) issue regulations or guidelines to ensure
16 that the programs authorized in this part do not
17 permit participation by violent offenders; and

18 “(2) immediately suspend funding for any grant
19 under this part, pending compliance, if the Attorney
20 General finds that violent offenders are participating
21 in any program funded under this part.

22 **“SEC. 2203. DEFINITION.**

23 “In this part, ‘violent offender’ means a person
24 who—

1 “(1) is charged with or convicted of an offense,
2 during the course of which offense or conduct—

3 “(A) the person carried, possessed, or used
4 a firearm or dangerous weapon;

5 “(B) there occurred the death of or serious
6 bodily injury to any person; or

7 “(C) there occurred the use of force
8 against the person of another, without regard to
9 whether any of the circumstances described in
10 subparagraph (A) or (B) is an element of the
11 offense or conduct of which or for which the
12 person is charged or convicted; or

13 “(2) has one or more prior convictions for a fel-
14 ony crime of violence involving the use or attempted
15 use of force against a person with the intent to
16 cause death or serious bodily harm.

17 **“SEC. 2204. ADMINISTRATION.**

18 “(a) CONSULTATION.—The Attorney General shall
19 consult with the Secretary of Health and Human Services
20 and any other appropriate officials in carrying out this
21 part.

22 “(b) USE OF COMPONENTS.—The Attorney General
23 may utilize any component or components of the Depart-
24 ment of Justice in carrying out this part.

1 “(c) REGULATORY AUTHORITY.—The Attorney Gen-
2 eral may issue regulations and guidelines necessary to
3 carry out this part.

4 “(d) APPLICATIONS.—In addition to any other re-
5 quirements that may be specified by the Attorney General,
6 an application for a grant under this part shall—

7 “(1) include a long-term strategy and detailed
8 implementation plan;

9 “(2) explain the applicant’s inability to fund the
10 program adequately without Federal assistance;

11 “(3) certify that the Federal support provided
12 will be used to supplement, and not supplant, State,
13 Indian tribal, and local sources of funding that
14 would otherwise be available;

15 “(4) identify related governmental or commu-
16 nity initiatives which complement or will be coordi-
17 nated with the proposal;

18 “(5) certify that there has been appropriate
19 consultation with all affected agencies and that there
20 will be appropriate coordination with all affected
21 agencies in the implementation of the program;

22 “(6) certify that participating offenders will be
23 supervised by one or more designated judges with re-
24 sponsibility for the drug court program;

1 “(7) specify plans for obtaining necessary sup-
2 port and continuing the proposed program following
3 the conclusion of Federal support; and

4 “(8) describe the methodology that will be used
5 in evaluating the program.

6 **“SEC. 2205. APPLICATIONS.**

7 “To request funds under this part, the chief executive
8 or the chief justice of a State or the chief executive or
9 chief judge of a unit of local government or Indian tribal
10 government, or the chief judge of a State or local court
11 or Indian tribal court shall submit an application to the
12 Attorney General in such form and containing such infor-
13 mation as the Attorney General may reasonably require.

14 **“SEC. 2206. FEDERAL SHARE.**

15 “The Federal share of a grant made under this part
16 may not exceed 75 percent of the total costs of the pro-
17 gram described in the application submitted under section
18 2205 for the fiscal year for which the program receives
19 assistance under this part, unless the Attorney General
20 waives, wholly or in part, the requirement of a matching
21 contribution under this section. In-kind contributions may
22 constitute a portion of the non-Federal share of a grant.

1 **“SEC. 2207. GEOGRAPHIC DISTRIBUTION.**

2 “The Attorney General shall ensure that, to the ex-
3 tent practicable, an equitable geographic distribution of
4 grant awards is made.

5 **“SEC. 2208. REPORT.**

6 “A State, Indian tribal government, or unit of local
7 government that receives funds under this part during a
8 fiscal year shall submit to the Attorney General a report
9 in March of the following year regarding the effectiveness
10 of this part.

11 **“SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVAL-
12 UATION.**

13 “(a) TECHNICAL ASSISTANCE AND TRAINING.—The
14 Attorney General may provide technical assistance and
15 training in furtherance of the purposes of this part.

16 “(b) EVALUATIONS.—In addition to any evaluation
17 requirements that may be prescribed for grantees, the At-
18 torney General may carry out or make arrangements for
19 evaluations of programs that receive support under this
20 part.

21 “(c) ADMINISTRATION.—The technical assistance,
22 training, and evaluations authorized by this section may
23 be carried out directly by the Attorney General, in collabo-
24 ration with the Secretary of Health and Human Services,
25 or through grants, contracts, or other cooperative arrange-
26 ments with other entities.”.

1 (b) TECHNICAL AMENDMENT.—The table of contents
 2 of title I of the Omnibus Crime Control and Safe Streets
 3 Act of 1968 (42 U.S.C. 3711 et seq.) is amended by in-
 4 serting after the matter relating to part U the following:

“PART V—DRUG COURTS

“Sec. 2201. Grant authority.

“Sec. 2202. Prohibition of participation by violent offenders.

“Sec. 2203. Definition.

“Sec. 2204. Administration.

“Sec. 2205. Applications.

“Sec. 2206. Federal share.

“Sec. 2207. Geographic distribution.

“Sec. 2208. Report.

“Sec. 2209. Technical assistance, training, and evaluation.”.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 6 1001(a) of title I of the Omnibus Crime Control and Safe
 7 Streets Act of 1968 (42 U.S.C. 3793) is amended—

8 (1) in paragraph (3) by inserting “V” between
 9 “U” and “W”; and

10 (2) by adding at the end the following new
 11 paragraph:

12 “(20)(A) There are authorized to be appro-
 13 priated for fiscal year 2001 the sum of \$50,000,000
 14 and for fiscal years 2002 through 2005 such sums
 15 as may be necessary to carry out part V.

16 “(B) The Attorney General shall reserve not
 17 less than 1 percent and not more than 3 percent of
 18 the sums appropriated for this program in each fis-
 19 cal year for research and evaluation of this pro-
 20 gram.”.

1 **SEC. 2013. EXCEPTIONS TO TIME LIMITS FOR BYRNE PRO-**
2 **GRAM GRANTS FOR CERTAIN PURPOSES.**

3 Section 504(f) of the Omnibus Crime Control and
4 Safe Streets Act of 1968 (42 U.S.C. 3754(f)), is amended
5 to read as follows:

6 “(f) PROGRAMS ALREADY RECEIVING FUNDS.—No
7 funds may be awarded under this part to a grant recipient
8 for a program or project for which funds have been award-
9 ed under this chapter for 4 years (in the aggregate), in-
10 cluding any period occurring before the effective date of
11 this subsection except for grants to State and local govern-
12 ments for the following purposes:

13 “(1) participating in multi-jurisdictional drug
14 task forces and gang task forces;

15 “(2) victim assistance programs;

16 “(3) drug and alcohol abuse treatment in pris-
17 ons and jails;

18 “(4) community-based programs for adult and
19 juvenile drug-dependent and alcohol-dependent of-
20 fenders;

21 “(5) monitoring of drug-dependent offenders;

22 “(6) for those innovative programs that dem-
23 onstrate new and different approaches to enforce-
24 ment, prosecution and adjudication of drug and
25 other serious crimes that include all aspects of com-

1 munity-based intervention, surveillance and super-
2 vision; and

3 “(7) providing alternatives to prevent detention,
4 jail, and prison for persons who pose no danger to
5 the community.”.

6 **SEC. 2014. PROVISION TO FREE EXISTING PRISON SPACE**
7 **FOR VIOLENT OFFENDER INCARCERATION.**

8 (a) Subsections (d) and (e) of section 20105 of part
9 A of the Violent Crime Control and Law Enforcement Act
10 of 1994 (42 U.S.C. 13705 (d), (e)) are redesignated as
11 subsections (f) and (g), respectively.

12 (b) Section 20105 of part A of the Violent Crime
13 Control and Law Enforcement Act of 1994 (42 U.S.C.
14 13705) is amended by adding the following new sub-
15 sections:

16 “(d) GRADUATED SANCTIONS.—Notwithstanding any
17 other provision of this part, any State or unit of local gov-
18 ernment which has unexpended funds granted to it under
19 section 20103 or 20104 for the fiscal years 1996 through
20 2001, may expend not more than 25 percent of such funds
21 for the implementation of graduated sanctions or sen-
22 tencing alternatives to incarceration, provided that such
23 implementation shall be undertaken by said State or unit
24 of local government for the purpose of freeing suitable ex-

1 isting prison space for the confinement of persons con-
2 victed of part 1 violent crimes.

3 “(e) DEFINITION.—For purposes of subsection (d),
4 the term ‘graduated sanctions’ means tangible, propor-
5 tional consequences that hold offenders accountable and
6 are imposed on offenders for every offense, that escalate
7 in intensity with each subsequent, more serious offense,
8 that are suited to the offense, and that also take equally
9 into account public safety considerations and concern for
10 crime victims. Such sanctions may include intensive com-
11 munity supervision, regular drug testing and treatment
12 supervised by drug courts or other criminal justice agen-
13 cies, victim and community restitution, and certain, but
14 short-term, incarceration.”.

15 (c) Subsection (a) of section 20108 of part A of the
16 Violent Crime Control and Law Enforcement Act of 1994
17 (42 U.S.C. 13708(a)) is amended to read, as follows:

18 “(a) AUTHORIZATIONS.—There are authorized to be
19 appropriated to carry out this part such sums as may be
20 necessary for fiscal years 2001 through 2005.”.

1 **Subtitle B—Anti-Drug Provisions**

2 **SEC. 2021. NATIONAL STANDARD TO PROHIBIT OPERATION**
 3 **OF MOTOR VEHICLES BY INTOXICATED INDI-**
 4 **VIDUALS.**

5 (a) IN GENERAL.—Subchapter I of chapter 1 of title
 6 23, United States Code, is amended by adding at the end
 7 the following:

8 **“SEC. 165. NATIONAL STANDARD TO PROHIBIT OPERATION**
 9 **OF MOTOR VEHICLES BY INTOXICATED INDI-**
 10 **VIDUALS.**

11 “(a) WITHHOLDING OF APPORTIONMENTS FOR NON-
 12 COMPLIANCE.—

13 “(1) FISCAL YEAR 2003.—The Secretary shall
 14 withhold 5 percent of the amount required to be ap-
 15 portioned to any State under each of paragraphs
 16 (1), (3), and (4) of section 104(b) on October 1,
 17 2002, if the State does not meet the requirements
 18 of paragraph (3) on that date.

19 “(2) SUBSEQUENT FISCAL YEARS.—The Sec-
 20 retary shall withhold 10 percent (including any
 21 amounts withheld under paragraph (1)) of the
 22 amount required to be apportioned to any State
 23 under each of paragraphs (1), (3), and (4) of section
 24 104(b) on October 1, 2003, and on October 1 of
 25 each fiscal year thereafter, if the State does not

1 meet the requirements of paragraph (3) on that
2 date.

3 “(3) REQUIREMENTS.—A State meets the re-
4 quirements of this paragraph if the State has en-
5 acted and is enforcing a law providing that an indi-
6 vidual who has an alcohol concentration of 0.08 per-
7 cent or greater while operating a motor vehicle in
8 the State has committed the offense of driving while
9 intoxicated (or an equivalent offense under the law
10 of the State for operating a motor vehicle after hav-
11 ing consumed alcohol).

12 “(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLI-
13 ANCE AND NONCOMPLIANCE.—

14 “(1) PERIOD OF AVAILABILITY OF WITHHELD
15 FUNDS.—

16 “(A) FUNDS WITHHELD ON OR BEFORE
17 SEPTEMBER 30, 2004.—Any funds withheld
18 under subsection (a) from apportionment to any
19 State on or before September 30, 2004, shall
20 remain available until the end of the third fiscal
21 year following the fiscal year for which the
22 funds are authorized to be appropriated.

23 “(B) FUNDS WITHHELD AFTER SEP-
24 TEMBER 30, 2004.—No funds withheld under
25 this section from apportionment to any State

1 after September 30, 2004, shall be available for
2 apportionment to the State.

3 “(2) APPORTIONMENT OF WITHHELD FUNDS
4 AFTER COMPLIANCE.—If, before the last day of the
5 period for which funds withheld under subsection (a)
6 from apportionment are to remain available for ap-
7 portionment to a State under paragraph (1)(A), the
8 State meets the requirements of subsection (a)(3),
9 the Secretary shall, on the first day on which the
10 State meets the requirements, apportion to the State
11 the funds withheld under subsection (a) that remain
12 available for apportionment to the State.

13 “(3) PERIOD OF AVAILABILITY OF SUBSE-
14 QUENTLY APPORTIONED FUNDS.—

15 “(A) IN GENERAL.—Any funds appor-
16 tioned under paragraph (2) shall remain avail-
17 able for expenditure until the end of the third
18 fiscal year following the fiscal year in which the
19 funds are so apportioned.

20 “(B) TREATMENT OF CERTAIN FUNDS.—
21 Sums not obligated at the end of the period re-
22 ferred to in subparagraph (A) shall lapse.

23 “(4) EFFECT OF NONCOMPLIANCE.—If, at the
24 end of the period for which funds withheld under
25 subsection (a) from apportionment are available for

1 apportionment to a State under paragraph (1)(A),
2 the State does not meet the requirements of sub-
3 section (a)(3), the funds shall lapse.”.

4 (b) CONFORMING AMENDMENT.—The analysis for
5 subchapter I of chapter 1 of title 23, United States Code,
6 is amended by adding at the end the following:

 “Sec. 165. National standard to prohibit operation of motor vehicles by intoxi-
 cated individuals.”.

7 **SEC. 2022. DRUG FREE TEENAGE DRIVERS.**

8 (a) This section may be cited as the “Drug Free
9 Teenage Drivers Act”.

10 (b) DEMONSTRATION PROGRAM.—The National
11 Highway Traffic Safety Administration shall establish a
12 demonstration program in several states to provide drug
13 testing for all teenaged applicants (or other first time ap-
14 plicants for a driver’s license regardless of age) for a driv-
15 er’s license. If an applicant tests positive in the drug test,
16 the State in which the program is established will not issue
17 a license to the applicant and will require the applicant
18 to complete a State drug treatment program and to not
19 test positive in a drug test before reapplying for a license.

20 (c) Chapter 4 of title 23, United States Code, is
21 amended by adding at the end the following:

1 **“SEC. 412. GRANTS TO PREVENT IMPAIRMENT BY DRUGS**
2 **AND CHEMICAL SUBSTANCES.**

3 “(a) The Secretary of Transportation shall establish
4 an incentive grant program for States to assist the States
5 in improving their laws relating to controlled substances
6 and driving.

7 “(b) To qualify for a grant under subsection (a) a
8 state shall carry out the following:

9 “(1) Enact, enforce, and publicize a law which
10 makes it illegal to drive in the State with any meas-
11 urable amount of an illegal controlled substance in
12 the driver’s body. An illegal controlled substance is
13 a controlled substance for which an individual does
14 not have a legal written prescription. An individual
15 who is convicted of such illegal driving shall be re-
16 ferred to appropriate services, including intervention,
17 counseling, and treatment.

18 “(2) Enact, enforce, and publicize a law which
19 makes it illegal to drive in the State when driving
20 is impaired by the presence of any drug or chemical
21 substance. The State shall provide that in the en-
22 forcement of such law, a driver shall be tested for
23 the presence of a drug or chemical substance when
24 there is evidence of impaired driving and a driver
25 will have the driver’s license suspended. And indi-
26 vidual who is convicted of such illegal driving shall

1 be referred to appropriate services, including inter-
2 vention, counseling, and treatment.

3 “(3) Enact, enforce, and publicize a law which
4 authorizes the suspension of a driver’s license if the
5 driver is convicted of any criminal offense relating to
6 drugs.

7 “(4) Adopt procedures to ensure that beginning
8 driver applicants and other individuals applying for
9 or renewing a driver’s license will be provided infor-
10 mation about the laws referred to in paragraphs (1),
11 (2), and (3) and will be required to answer drug-
12 related questions on their applications.

13 “(c) A State may only use a grant under paragraph
14 (1) to implement and enforce the programs described in
15 paragraph (2).

16 “(d) The amount of a grant made for any fiscal year
17 to any eligible State shall not be more than 20 percent
18 of the amount appropriated to the State for fiscal year
19 1997 under section 402 of this title.”.

20 (d) There are authorized to be appropriated out of
21 the Highway Trust Fund (other than the Mass Transit
22 Account) such sums as may be necessary for each of the
23 fiscal years 2001 through 2005 to carry out this section.

1 **SEC. 2023. AMENDMENTS CONCERNING TEMPORARY**
2 **EMERGENCY SCHEDULING.**

3 Section 201(h) of the Controlled Substances Act (21
4 U.S.C. 811(h)) is amended to read as follows:

5 “(h) TEMPORARY SCHEDULING TO AVOID IMMINENT
6 HAZARDS TO PUBLIC SAFETY.—

7 “(1) IN GENERAL.—If the Attorney General
8 finds that the control of a substance on a temporary
9 basis is necessary to avoid an imminent hazard to
10 the public safety, the Attorney General may, by
11 order and without regard to the requirements of
12 subsection (b) of this section relating to the Sec-
13 retary of Health and Human Services, and without
14 regard to the findings required under section 202(b)
15 (21 U.S.C. 812(b)), temporarily schedule such sub-
16 stance in accordance with this subsection if no ap-
17 proval is in effect for the substance under section
18 505(i) of the Federal Food, Drug, and Cosmetic Act
19 (hereafter in this subsection referred to as the FDC
20 Act) (21 U.S.C. 355(i)).

21 “(A) If the substance is not contained in
22 a drug for which an investigational new drug
23 exemption is in effect under section 505(i) of
24 the FDC Act, the temporary scheduling order
25 shall place such substance in schedule I.

1 “(B) If the substance is contained in a
2 drug for which an investigational new drug ex-
3 emption is in effect under section 505(i) of the
4 FDC Act, the temporary scheduling order shall
5 place such substance in schedule II, subject to
6 the conditions set forth in paragraph (6) of this
7 subsection.

8 “(C) A temporary scheduling order, or
9 order renewing such order, may not take effect
10 before the expiration of thirty days from—

11 “(i) the date of the publication by the
12 Attorney General of a notice in the Federal
13 Register of the intention to issue such
14 order and the grounds upon which such
15 order is to be issued; and

16 “(ii) the date the Attorney General
17 has transmitted the notice required by
18 paragraph (4).

19 “(2) DURATION OF TEMPORARY SCHEDULING;
20 RENEWAL OF ORDERS.—

21 “(A) A temporary scheduling order issued
22 under subparagraph (1)(A) of this subsection
23 shall expire at the end of one year from the ef-
24 fective date of the order, except that the Attor-
25 ney General may, during the pendency of pro-

1 ceedings under subsection (a)(1) of this section
2 with respect to the substance, extend the tem-
3 porary scheduling order for up to six months.

4 “(B) A temporary scheduling order issued
5 under subparagraph (1)(B) of this subsection
6 shall expire at the end of 18 months from the
7 effective date of the order, except that, if the
8 Attorney General determines that continuation
9 of the temporary scheduling order is necessary
10 to avoid an imminent hazard to the public safe-
11 ty, the Attorney General may issue a renewal
12 order, 30 days prior to expiration of the tem-
13 porary scheduling order, extending the original
14 order for an additional 18 months, provided the
15 following conditions are met—

16 “(i) an exemption with respect to such
17 substance remains in effect under section
18 505(i) of the FDC Act; and—

19 “(ii) the holder of such exemption is
20 actively pursuing the clinical investigation
21 of the substance.

22 The Secretary shall certify to the Attorney Gen-
23 eral whether or not each of conditions (i) and
24 (ii) continue to be met no later than 90 days
25 prior to the date on which the temporary sched-

1 uling order is scheduled to a expire. As long as
2 both conditions continue to be met, the Attor-
3 ney General may, every 18 months, continue to
4 issue orders renewing the temporary scheduling
5 of a particular substance. If either of the fore-
6 going conditions are no longer met for a par-
7 ticular substance, the temporary scheduling of
8 that substance may not be renewed and shall
9 expire 12 months after the date on which such
10 condition fails to be met, except that the Attor-
11 ney General may, during the pendency of pro-
12 ceedings under subsection (a)(1) of this section
13 with respect to the substance, extend the tem-
14 porary scheduling for an additional six months.

15 “(3) FACTORS DETERMINATIVE OF TEMPORARY
16 SCHEDULING.—When issuing an order under para-
17 graph (1), the Attorney General shall be required to
18 consider, with respect to the finding of an imminent
19 hazard to the public safety, only those factors set
20 forth in paragraphs (4), (5), and (6) of subsection
21 (c) of this section, including actual abuse, diversion
22 from legitimate channels, and clandestine importa-
23 tion, manufacture, or distribution.

24 “(4) CONSULTATION WITH THE SECRETARY OF
25 HEALTH AND HUMAN SERVICES.—The Attorney

1 General shall transmit notice of an order proposed
2 to be issued under paragraph (1) to the Secretary of
3 Health and Human Services. In issuing an order
4 under paragraph (1), the Attorney General shall
5 take into consideration any comments submitted by
6 the Secretary in response to a notice transmitted
7 pursuant to this paragraph.

8 “(5) EFFECT OF PERMANENT SCHEDULING
9 PROCEEDINGS.—An order issued under paragraph
10 (1) with respect to a substance shall be vacated
11 upon the conclusion of a subsequent rule making
12 proceeding initiated under subsection (a) of this sec-
13 tion with respect to such substance.

14 “(6) SPECIAL RULES APPLICABLE TO TEMPO-
15 RARILY SCHEDULED INVESTIGATIONAL DRUGS.—

16 (A) In the case of a substance that is tem-
17 porarily scheduled under subparagraph (1)(B) of
18 this subsection that was controlled under this
19 subchapter prior to its temporary scheduling,
20 any person who manufactures, distributes, dis-
21 penses, possesses, or uses such substance within
22 the scope of the exemption under section 505(i)
23 of the FDC Act shall be subject to the same re-
24 quirements of this subchapter that were in ef-
25 fect prior to the temporary scheduling.

1 “(B) In the case of a substance that is
2 temporarily scheduled under subparagraph
3 (l)(B) of this subsection that was not controlled
4 under this subchapter prior to its temporary
5 scheduling, any person who manufactures, dis-
6 tributes, dispenses, possesses, or uses such sub-
7 stance within the scope of the exemption under
8 section 505(i) of the FDC Act shall not be re-
9 quired to comply with the requirements of part
10 C of this subchapter, except as provided in this
11 paragraph—

12 “(i) Such person shall be subject to
13 sections 302, 303, and 304 (21 U.S.C.
14 822, 823, and 824), relating to registra-
15 tion.

16 “(ii) Compliance with applicable
17 record keeping and reporting requirements
18 of the FDC Act, as determined by the Sec-
19 retary, shall constitute compliance with
20 section 307 (21 U.S.C. 827). A violation of
21 such requirements shall constitute a viola-
22 tion of section 307 and shall subject a vio-
23 lator to applicable penalties under Part D
24 of this subchapter, in addition to any other
25 penalties provided by law. Records or docu-

1 ments required to be kept for such pur-
2 poses under the FDC Act shall be deemed
3 records or documents required under this
4 subchapter, and places where such records
5 or documents are kept or required to be
6 kept shall be deemed controlled premises
7 for purposes of administrative inspections
8 and warrants under section 510 (21
9 U.S.C. 880).

10 “(iii) A registrant handling an inves-
11 tigational drug that has been temporarily
12 scheduled under this section shall be sub-
13 ject to the requirements established under
14 section 307(f), relating to procedures nec-
15 essary to insure the security and account-
16 ability of controlled substances used in re-
17 search and to prevent theft or diversion of
18 the drug into illegal channels of distribu-
19 tion.

20 “(C) Each person that is a sponsor of an
21 investigation of a new drug for which a re-
22 search exemption is in effect under section
23 505(i) of the FDC Act with respect to such
24 substance shall be required to certify to the
25 Secretary of Health and Human Services, by

1 one month after the effective date of the tem-
2 porary scheduling order with respect to the sub-
3 stance, and by the end of each succeeding six
4 month period, that such person is able to ac-
5 count for the location and use of all quantities
6 of such substance that are or have been manu-
7 factured, distributed, dispensed, possessed, or
8 used under such exemption on or before the
9 date of such certification.

10 “(D) In the case of a substance that is
11 temporarily scheduled under subparagraph
12 (1)(B) of this subsection, the disclosure of the
13 existence of an exemption under section 505(i)
14 of the FDC Act with respect to such substance
15 shall not be considered to be disclosure prohib-
16 ited by section 301(j) of the FDC Act or sec-
17 tion 1905 of title 18 of the United States Code.

18 “(E) The manufacture, possession, dis-
19 tribution, or use of such substance within the
20 scope of such exception shall not be subject to
21 any requirements or penalty under State or
22 local law more stringent than the provisions of
23 this chapter or other applicable Federal law.

24 “(7) JUDICIAL REVIEW.—An order issued
25 under paragraph (1) is not subject to judicial review,

1 except that a renewal order issued under subpara-
2 graph (2)(B) of this subsection is subject to judicial
3 review in accordance with section 507 (21 U.S.C.
4 877).”.

5 **SEC. 2024. AMENDMENT TO REPORTING REQUIREMENT**
6 **FOR TRANSACTIONS INVOLVING CERTAIN**
7 **LISTED CHEMICALS.**

8 Section 310(b)(3) of the Controlled Substances Act
9 (21 U.S.C. 830(b)(3)) is amended by—

10 (1) redesignating subparagraphs (A) and (B) as
11 subparagraphs (B) and (C);

12 (2) inserting a new subparagraph (A) as fol-
13 lows:

14 “(A) As used in this section, the term
15 ‘drug product’ means a pharmaceutical sub-
16 stance in dosage form that has been approved
17 under the Food, Drug and Cosmetic Act for
18 distribution in the United States.”;

19 (3) in the redesignated (B) by inserting “or
20 who engages in an export transaction” after “non-
21 regulated person”; and

22 (4) adding at the end the following—

23 “(D) Except as provided in subparagraph
24 (E), the following distributions to a nonregu-
25 lated person and the following export trans-

1 actions shall not be subject to the reporting re-
2 quirement established in subparagraph (B):

3 “(i) distributions of sample packages
4 of drug products when such packages con-
5 tain not more than 2 solid dosage units or
6 the equivalent of 2 dosage units in liquid
7 form, not to exceed 10 milliliters of liquid
8 per package, and not more than one pack-
9 age is distributed to an individual or resi-
10 dential address in any 30-day time period;

11 “(ii) distributions of drug products by
12 retail distributors to the extent that such
13 distributions are consistent with the activi-
14 ties authorized for a retail distributor as
15 set out in section 102(46) of this title;

16 “(iii) distributions of drug products to
17 a resident of a Long Term Care Facility
18 (as that term is defined in the regulations
19 of the Attorney General) or distributions of
20 drug products to a Long Term Care Facil-
21 ity for dispensing to or for use by a resi-
22 dent of that facility;

23 “(iv) distributions of drug products
24 pursuant to a valid prescription (as used in
25 this section, the term ‘valid prescription’ is

1 one which is issued for a legitimate med-
2 ical purpose by individual practitioner li-
3 censed by law to administer and prescribe
4 such drugs and acting in the usual course
5 of his/her professional practice);

6 “(v) exports which have been reported
7 to the Attorney General pursuant to sec-
8 tion 1004 or 1018 of title III or which are
9 subject to a waiver granted under section
10 1018(e)(2) of title III; and

11 “(vi) any quantity, method or type of
12 distribution or any quantity, method or
13 type of distribution of a specific listed
14 chemical (including specific formulations or
15 drug products) or of a group of listed
16 chemicals (including specific formulations
17 or drug products) which the Attorney Gen-
18 eral has excluded by regulation from this
19 reporting requirement on the basis that
20 such reporting is not necessary to the en-
21 forcement of this title or title III.

22 “(E) The Attorney General may revoke
23 any or all of the exemptions listed in (C) for an
24 individual regulated person if he finds that drug
25 products distributed by that person are being

1 used in violation of this title or title III. The
2 regulated person shall be notified of this revoca-
3 tion, which will be effective upon receipt by the
4 regulated person of such notice, as provided in
5 section 1018(c)(1) of title III and has the right
6 to an expedited hearing as provided in section
7 1018(c)(2) of title III.”.

8 **SEC. 2025. AMPHETAMINE PENALTY INCREASES.**

9 (a) SENTENCING GUIDELINES FOR AMPHETAMINE
10 OFFENSES.—

11 (1) DIRECTIVE TO THE UNITED STATES SEN-
12 TENCING COMMISSION.—Pursuant to its authority
13 under section 994(p) of title 28, United States Code,
14 and in accordance with this section, the United
15 States Sentencing Commission shall review and
16 amend its guidelines and its policy statements appli-
17 cable to persons convicted of controlled substances
18 offenses involving amphetamine, its salts, isomers, or
19 salts of its isomers.

20 (2) REQUIREMENTS.—In carrying out this sub-
21 section, the Sentencing Commission shall:

22 (A) amend the Drug Quantity Table
23 (USSG § 2D1.1(e)) such that:

24 (i) offenses involving 50 grams or
25 more of amphetamine, its salts, isomers, or

1 salts of its isomers or 500 grams or more
2 of a mixture or substance containing a de-
3 tectable amount of amphetamine, its salts,
4 isomers, or salts of its isomers are as-
5 signed a base offense level of at least 32;
6 and

7 (ii) offenses involving 5 grams or
8 more of amphetamine, its salts, isomers, or
9 salts of its isomers or 50 grams or more of
10 a mixture or substance containing a detect-
11 able amount of amphetamine, its salts, iso-
12 mers, or salts of its isomers are assigned
13 a base offense level of at least 26;

14 (B) make all necessary conforming changes
15 to the Drug Quantity Table (USSG § 2D1.1(c))
16 to assign base offense levels above and below
17 those specifically specified in subsection
18 (a)(2)(A) for offenses involving other quantities
19 of amphetamine, its salts, isomers, or salts of
20 its isomers or a mixture or substance con-
21 taining a detectable amount of amphetamine,
22 its salts, isomers, or salts of its isomers; and

23 (C) make any necessary conforming
24 changes to other sections of the sentencing
25 guidelines.

1 (3) EMERGENCY AUTHORITY.—The Commission
2 shall promulgate any guidelines or amendments pro-
3 vided for under this section as soon as practicable in
4 accordance with the procedures set forth in section
5 21(a) of the Sentencing Act of 1987, as though the
6 authority under that Act has not expired.

7 (b) MAXIMUM PENALTY FOR POSSESSING EQUIP-
8 MENT TO MANUFACTURE AMPHETAMINE.—Section
9 403(d)(2) of the Controlled Substances Act (21 U.S.C.
10 843(d)(2)) is amended by inserting “or amphetamine”
11 after “methamphetamine”.

12 **SEC. 2026. ANABOLIC AGENTS.**

13 (a) DEFINITION.—Section 102(41) of the Controlled
14 Substances Act (21 U.S.C. 802 (41)) is amended.—

15 (1) in subparagraph (A)—

16 (A) by amending the matter preceding
17 clause (i) to read as follows:

18 “(41) The term ‘anabolic agent’ means—

19 “(A) an anabolic steroid which is any drug
20 or hormonal substance, chemically and phar-
21 macologically related to testosterone (other than
22 estrogens, progestins, and corticosteroids) that
23 promotes muscle growth and includes.—”; and

24 (B) by striking “growth.” and inserting
25 growth; or”;

1 (2) by redesignating subparagraph (B) as sub-
2 paragraph (C); and

3 (3) by inserting after subparagraph (A) the fol-
4 lowing:

5 “(B) any other substance, including its
6 salts and isomers, which the Attorney General,
7 after consultation with the Secretary, deter-
8 mines and specifies by regulation as (i) being
9 capable of producing anabolic effects similar to
10 those of testosterone and (ii) which is abused
11 for purposes of increasing muscle mass or
12 strength, to enhance athletic performance, or
13 for other purposes.”.

14 (b) Section 202(c), Schedule III(e), of the Controlled
15 Substances Act (21 U.S.C. 812(c), Schedule III(e)) is
16 amended by striking “Anabolic steroids” and inserting
17 “Anabolic agents”.

18 **SEC. 2027. DRUG PARAPHERNALIA.**

19 (a) IN GENERAL.—Section 422(d) of the Controlled
20 Substances Act (21 U.S.C. 863(d)) is amended by insert-
21 ing “packaging,” after “concealing,”.

22 (b) DETERMINATION OF DRUG PARAPHERNALIA.—
23 Section 422(e)(4) of the Controlled Substances Act (21
24 U.S.C. 863(e)(4)) is amended by adding the following
25 after “sale”: “including, but not limited to, whether the

1 item displays any name brand, insignia or other indicator
2 which is associated with illegal drugs or which is used to
3 advertise or identify an illegal drug”.

4 (c) CLERICAL AMENDMENTS.—(1) Section
5 511(a)(10) of the Controlled Substances Act (21 U.S.C.
6 881(a)(10)) is amended by striking all after “as defined
7 in” and inserting “section 422 of this title.”.

8 (2) Section 422 of the Controlled Substances
9 Act (21 U.S.C. 881(a)(10)) is amended—

10 (A) by deleting subsection (c); and

11 (B) by redesignating subsections (d), (e),
12 and (f) as subsections (c), (d), and (e), respec-
13 tively.

14 **SEC. 2028. COUNTERFEIT SUBSTANCES/IMITATION CON-**
15 **TROLLED SUBSTANCES.**

16 (a) Section 102(7) of the Controlled Substances Act
17 (21 U.S.C. 802(7)) is amended by—

18 (1) inserting “(A)” after “(7)”;

19 (2) designating the text after “a controlled sub-
20 stance” as clause (i);

21 (3) inserting “characteristic,” after “number,”;

22 (4) striking the period at the end and inserting
23 a semicolon; and

24 (5) adding at the end the following:

1 “(ii) which falsely purports or is rep-
2 resented to be a different controlled substance;
3 or

4 “(iii) which is manufactured or designed in
5 such a manner, or is distributed, dispensed, or
6 otherwise transferred under such circumstances,
7 such that a reasonable person would believe
8 that the substance is a different controlled sub-
9 stance.

10 “(B) The term ‘imitation controlled substance’
11 means a substance, which is not a controlled sub-
12 stance, that is represented (expressly or by implica-
13 tion) to be a controlled substance.

14 “(C) The term ‘imitation controlled substance’
15 does not include a placebo which is directly applied
16 to the body of a research subject or a patient or
17 which is delivered to a research subject or a person
18 for his own use, by, or pursuant to the order of, a
19 practitioner for a lawful purpose.”.

20 (b) Section 102(8) of the Controlled Substances Act
21 (21 U.S.C. 802(8)) is amended by inserting “, an imita-
22 tion controlled substance,” after “controlled substance”.

23 (c) Section 102(11) of the Controlled Substances Act
24 (21 U.S.C. 802(11)) is amended by—

1 (1) inserting “to deliver an imitation controlled
2 substance or” after “controlled substance or” in the
3 first sentence; and

4 (2) inserting “, an imitation controlled sub-
5 stance,” after “controlled substance” in the second
6 sentence.

7 (d) Section 102(44) of the Controlled Substances Act
8 (21 U.S.C. 802(44)) is amended by—

9 (1) striking “or” after “marihuana,”; and

10 (2) inserting “, anabolic agents, or listed chemi-
11 cals, or an offense that is punishable by imprison-
12 ment for more than one year under any provision of
13 this title or title III” after “stimulant substances”.

14 (e) Section 401(a) of the Controlled Substances Act
15 (21 U.S.C. 841(a)) is amended by—

16 (1) striking “or” at the end of paragraph (1);

17 (2) striking “create” in paragraph (2) and in-
18 serting “manufacture”;

19 (3) inserting “manufacture,” after “intent to”
20 in paragraph (2);

21 (4) striking the period at the end of paragraph
22 (2) and inserting “; or” ; and

23 (5) adding at the end the following paragraph:

1 “(3) to manufacture, distribute, or dispense, or
2 possess with intent to manufacture, distribute or dis-
3 pense, an imitation controlled substance.”.

4 (f) Section 401(b) of the Controlled Substances Act
5 (21 U.S.C. 841(b) is amended by redesignating para-
6 graphs (4) through (7) as paragraphs (6) through (9) and
7 inserting after paragraph (3) the following:

8 “(4)(A) In the case of a counterfeit substance,
9 such person shall be sentenced in accordance with
10 this section based on the controlled substance which
11 the counterfeit substance is represented to be or
12 based on the controlled substance which is actually
13 contained in the counterfeit substance, whichever
14 provides the greater sentence.

15 “(B) Paragraph (5)(B) of this subsection may
16 be applied to make a determination that a controlled
17 substance is a counterfeit substance.

18 “(5)(A) In the case of an imitation controlled
19 substance, such person shall be sentenced to a term
20 of imprisonment or a fine, or both, which does not
21 exceed one-half of the maximum term of imprison-
22 ment and fine which would apply under this section
23 to the controlled substance which the imitation con-
24 trolled substance is represented to be. The minimum
25 period of supervised release for such person shall be

1 one-half of that which would apply under this sec-
2 tion to the controlled substance which the imitation
3 controlled substance is represented to be.

4 “(B) In the case of a violation of this title or
5 title III involving an imitation controlled substance,
6 the following provisions shall apply:

7 “(i) The trier of fact may consider the fol-
8 lowing factors in addition to any other factor
9 that may be relevant for purposes of deter-
10 mining whether a substance was an imitation
11 controlled substance. The presence of any two
12 of the following factors shall be prima facie evi-
13 dence that the substance was an imitation con-
14 trolled substance; however, the presence of two
15 factors is not required for a determination that
16 a substance is an imitation controlled sub-
17 stance:

18 “(I) The person in control of the sub-
19 stance expressly or impliedly represents
20 that the substance is a controlled sub-
21 stance or has the effect of a controlled sub-
22 stance;

23 “(II) The person in control of the
24 substance expressly or impliedly represents
25 that the substance because of its nature or

1 appearance can be sold, delivered or used
2 as a controlled substance or as a substitute
3 for a controlled substance;

4 “(III) The person in control of the
5 substance utilizes evasive tactics or actions
6 to avoid detection by law enforcement au-
7 thorities or other authorities such as school
8 authorities;

9 “(IV) The physical appearance of the
10 substance is, or is designed to be, substan-
11 tially identical to a specific controlled sub-
12 stance. This may be determined by such
13 factors as color, shape, size, markings,
14 taste, odor, consistency, packaging, label-
15 ing, or other identifying characteristics;

16 “(V) The substance is packaged or
17 distributed in a manner normally used for
18 the illegal distribution of controlled sub-
19 stances; or

20 “(VI) The distribution or attempted
21 distribution includes an exchange or de-
22 mand for money or other property as con-
23 sideration, and the amount of the consider-
24 ation is substantially greater than the rea-

1 sonable retail market value of the sub-
2 stance.

3 “(ii) It shall not constitute a defense that
4 the accused believed the imitation controlled
5 substance to actually be a controlled sub-
6 stance.”.

7 (g) Section 403 of the Controlled Substances Act (21
8 U.S.C. 843) is amended—

9 (1) in paragraph (a)(2), by inserting “or list I
10 chemical” after “controlled substance” each place it
11 appears;

12 (2) in paragraph (a)(3), by inserting “or a lab-
13 oratory supply (as defined in section 402(a) of this
14 title)” after “controlled substance”; and

15 (3) in paragraph (a)(5) by—

16 (A) inserting “or substance” after “drug”
17 both places it appears; and

18 (B) inserting “or an imitation controlled
19 substance” after “counterfeit substance”.

20 (h) Section 506(a) of the Controlled Substances Act
21 (21 U.S.C. 876(a)) is amended by inserting “, imitation
22 controlled substances,” after “controlled substances”.

23 (i) Section 509 of the Controlled Substances Act (21
24 U.S.C. 879) is amended by inserting “imitation controlled

1 substances, or listed chemicals” after “controlled sub-
2 stances”.

3 (j)(1) Section 511(a) of the Controlled Substances
4 Act (21 U.S.C. 881(a)) is amended—

5 (A) in paragraph (1), by inserting “and imita-
6 tion controlled substances” after “controlled sub-
7 stances”;

8 (B) in paragraph (2), by inserting “, imitation
9 controlled substance,” after “controlled substance”;

10 (C) in paragraph (6), by inserting “, imitation
11 controlled substance,” after “controlled substance”;

12 and

13 (D) in paragraph (8), by inserting “and imita-
14 tion controlled substances” after “controlled sub-
15 stances”.

16 (2) Section 607(a)(3) of the Tariff Act of 1930 (19
17 U.S.C. 1607(a)(3)) is amended by inserting “, imitation
18 controlled substance,” after “controlled substance”.

19 (3) Section 607(b) of the Tariff Act of 1930 (19
20 U.S.C. 1607(b)) is amended by inserting “, ‘imitation con-
21 trolled substance’,” after “‘controlled substance’”.

22 (k) Section 1010(a) of the Controlled Substances Act
23 (21 U.S.C. 960(a)) is amended—

24 (1) in paragraph (2), by striking “or” at the
25 end;

1 (2) in paragraph (3), by inserting “or” after
2 “substance,”; and

3 (3) by inserting after paragraph (3) the fol-
4 lowing:

5 “(4) knowingly or intentionally imports or ex-
6 ports a counterfeit substance or an imitation con-
7 trolled substance,”.

8 (l) Section 2516(1)(e) of title 18, United States Code,
9 is amended by inserting “or a violation of the Controlled
10 Substances Act (21 U.S.C. 801 et seq.) or the Controlled
11 Substances Import and Export Act (21 U.S.C. 851, et
12 seq.)” after “United States”.

13 **SEC. 2029. AMENDMENTS TO THE CONTROLLED SUB-**
14 **STANCES IMPORT AND EXPORT ACT.**

15 (a) **ADDITIONAL PENALTIES.**—Section 401(b) of the
16 Controlled Substances Act (21 U.S.C. 841(b)) is
17 amended—

18 (1) in paragraph (1)(A)(vi)—

19 (A) by striking “400 grams” and inserting
20 “40 grams”; and

21 (B) by striking “or 100 grams” and all
22 that follows through the end of clause (vi) and
23 inserting “(fentanyl) or any of its analogues;”;

24 (2) in paragraph (1)(B)(vi)—

1 (A) by striking “40 grams” and inserting
2 “4 grams”;

3 (B) by striking “or 10 grams” and all that
4 follows through the end of clause (vi) and in-
5 serting “(fentanyl) or any of its analogues;”

6 (3) in paragraph (1)(D)—

7 (A) by striking “or in the case of any con-
8 trolled substance in schedule III”; and

9 (B) by striking “paragraphs (4) and (5)”
10 and inserting “paragraphs (6) and (7)”;

11 (4) by adding the following new subparagraph
12 at the end of paragraph (1):

13 “(E) In the case of any controlled sub-
14 stance in schedule III, such person shall be sen-
15 tenced to a term of imprisonment of not more
16 than 10 years and if death or serious bodily in-
17 jury results from the use of such substance
18 shall be sentenced to a term of imprisonment of
19 not less than ten years or more than life, a fine
20 not to exceed the greater of that authorized in
21 accordance with the provisions of Title 18, or
22 \$500,000 if the defendant is an individual or
23 \$2,500,000 if the defendant is other than an in-
24 dividual, or both. If any person commits such a
25 violation after a prior conviction for a felony

1 drug offense has become final, such person shall
2 be sentenced to a term of imprisonment of not
3 more than 20 years and if death or serious bodily
4 injury results from the use of such substance
5 shall be sentenced to life imprisonment, a fine
6 not to exceed the greater of twice that authorized
7 in accordance with the provisions of title
8 18, or \$1,000,000 if the defendant is an individual
9 or \$5,000,000 if the defendant is other
10 than an individual, or both. Any sentence imposing
11 a term of imprisonment under this paragraph shall, in the
12 absence of such a prior conviction, impose a term of
13 supervised release of at least 2 years in addition to
14 such term of imprisonment and shall, if there was
15 such a prior conviction, impose a term of supervised
16 release of at least 4 years in addition to such term
17 of imprisonment. Notwithstanding any other provision
18 of law, the court shall not place on probation of
19 any person sentenced under a provision of this
20 subparagraph which provides for a mandatory term
21 of imprisonment if death or serious bodily injury
22 results.”;
23
24 (5) in paragraph (2)—

1 (A) by striking “3 years” and inserting “5
2 years”;

3 (B) by striking “6 years” and inserting
4 “10 years”; and

5 (C) by striking “after one or more prior
6 convictions” and all that follows through “have
7 become final,” and inserting “after a prior con-
8 viction for a felony drug offense has become
9 final,”;

10 (6) in paragraph (3)—

11 (A) by striking “one year” and inserting
12 “3 years”;

13 (B) by striking “2 years” and inserting “6
14 years”;

15 (C) by striking “after one or more prior
16 convictions” and all that follows through “have
17 become final,” and inserting “after a prior con-
18 viction for a felony drug offense has become
19 final,”;

20 (7) by adding the following at the end of para-
21 graph (3): “Any sentence imposing a term of impris-
22 onment under this paragraph shall, in the absence of
23 such a prior conviction, impose a term of supervised
24 release of at least one year in addition to such term
25 of imprisonment and shall, if there was such a prior

1 conviction, impose a term of supervised release of at
2 least 2 years in addition to such term of imprison-
3 ment.”;

4 (8) in paragraph (8), as redesignated by section
5 2028 of this act, by striking “on Federal land”;

6 (9) in paragraphs (1)(A) and (B), by striking
7 “No person sentenced under this subparagraph shall
8 be eligible for parole during the term of imprison-
9 ment imposed therein.”; and

10 (10) in paragraph (1)(C), by striking “, nor
11 shall a person so sentenced be eligible for parole
12 during the term of such a sentence” in the final sen-
13 tence.

14 (b) Section 402(c)(2)(B) of the Controlled Sub-
15 stances Act (21 U.S.C. 842(c)(2)(B)) is amended—

16 (1) by striking “or” after “marihuana,”; and

17 (2) by inserting “anabolic agents, or listed
18 chemicals, or for a felony drug offense,” after “stim-
19 ulant substances”;

20 (c) Section 403(d)(1) of the Controlled Substances
21 Act (21 U.S.C. 843(d)(1)) is amended by striking “after
22 one or more prior convictions” and all that follows through
23 “have become final,” and inserting “after a prior convic-
24 tion for a felony drug offense has become final,”;

1 (d) Section 1010(b) of the Controlled Substances Im-
2 port and Export Act (21 U.S.C. 960(b)) is amended—

3 (1) in paragraph (1)(F)—

4 (A) by striking “400 grams” and inserting
5 “40 grams” ; and

6 (B) by striking “or 100 grams” and all
7 that follows through the end of subparagraph
8 (F) and inserting “(fentanyl) or any of its ana-
9 logues;”;

10 (2) in paragraph (2)(F)—

11 (A) by striking “40 grams” and inserting
12 “4 grams”; and

13 (B) by striking “or 10 grams” and all that
14 follows through the end of subparagraph (F)
15 and inserting “(fentanyl) or any of its ana-
16 logues;”;

17 (3) in paragraph (4) by—

18 (A) inserting “or” after “hashish,”;

19 (B) striking “or any quantity of a con-
20 trolled substance in schedule III, IV, or V, (ex-
21 cept a violation involving Flunitrazepam)”;

22 (C) striking “imprisoned” and all that fol-
23 lows through the end of the paragraph and in-
24 serting “sentenced in accordance with section
25 401(b)(1)(D) of title II.”;

1 (4) by adding at the end new paragraphs (5),
2 (6), (7), (8) and (9) as follows:

3 “(5) In the case of a violation of subsection (a)
4 of this section involving a controlled substance in
5 schedule III, such person shall be sentenced in ac-
6 cordance with section 401(b)(1)(E) of title II.

7 “(6) In the case of a violation of subsection (a)
8 of this section involving a controlled substance in
9 schedule IV (except a violation involving
10 flunitrazepam), such person shall be sentenced in ac-
11 cordance with section 401(b)(2) of title II.

12 “(7) In the case of a violation of subsection (a)
13 of this section involving a controlled substance in
14 schedule V, such person shall be sentenced in ac-
15 cordance with section 401(b)(3) of title II.

16 “(8) In the case of a violation of subsection (a)
17 of this section involving a counterfeit substance,
18 such person shall be sentenced in accordance with
19 section 401(b)(4) of title II.

20 “(9) In the case of a violation of subsection (a)
21 of this section involving an imitation controlled sub-
22 stance, such person shall be sentenced in accordance
23 with section 401(b)(5) of title II.”;

24 (5) in paragraphs (1) and (2), by striking “No
25 person sentenced under this subparagraph shall be

1 eligible for parole during the term of imprisonment
2 imposed therein.”; and

3 (6) in paragraph (3), by striking “, nor shall a
4 person so sentenced be eligible for parole during the
5 term of such a sentence” in the final sentence.

6 (e) SENTENCING GUIDELINES.—

7 (1) DIRECTIVE TO THE UNITED STATES SEN-
8 TENCING COMMISSION.—Pursuant to its authority
9 under section 994(p) of title 28, United States Code,
10 and in accordance with this section, the United
11 States Sentencing Commission shall review and, if
12 appropriate, amend its guidelines and its policy
13 statements applicable to persons convicted of con-
14 trolled substances offenses.

15 (2) REQUIREMENTS.—In carrying out this sub-
16 section, the Sentencing Commission shall:

17 (A) consider amending the Drug Equiva-
18 lency Table (USSG § 2D1.1) such that:

19 (i) 1 gram of secobarbital and other
20 schedule I or II depressants is equivalent
21 to at least 4 grams of marijuana;

22 (ii) 1 gram of a schedule III sub-
23 stance other than anabolic agents is equiv-
24 alent to at least 4 grams of marijuana;

1 (iii) 1 unit of anabolic agent is equiva-
2 lent to at least 10 grams of marijuana;

3 (iv) 1 gram of a schedule IV sub-
4 stance other than flunitrazepam is equiva-
5 lent to at least 2.4 grams of marijuana;
6 and

7 (v) 1 gram of a schedule V substance
8 is equivalent to at least 0.8 grams of mari-
9 juana.

10 (B) amend the Drug Quantity Table
11 (USSG § 2D1.1):

12 (i) to reflect the revised drug equiva-
13 lency ratios adopted pursuant to this sec-
14 tion; and

15 (ii) to reflect the statutory penalty in-
16 creases established by this Act including
17 those for schedule III, IV, and V controlled
18 substances, secobarbital, and other sched-
19 ule I and II depressants;

20 (C) consider amending the Drug Quantity
21 Table (USSG § 2D1.1) to define 1 unit of ana-
22 bolic agent as 1 cc of injectable anabolic steroid
23 or five tablets of anabolic steroid or the phar-
24 maceutical equivalent quantity of any anabolic
25 agent;

1 (D) consider providing an additional sen-
2 tencing enhancement for any defendant con-
3 victed of controlled substance offenses who, at
4 the time of the offense was:

5 (i) a person required to register under
6 section 302 of title II or section 1007 of
7 title III (21 U.S.C. 822 and 957, respec-
8 tively), or the pertinent regulations of the
9 Attorney General, or was otherwise author-
10 ized by law to manufacture, distribute, dis-
11 pense, import, export, or conduct other ac-
12 tivities with controlled substances; or

13 (ii) a pharmacist, physician, or other
14 health care professional licensed under
15 Federal, state, or local law, or an employee
16 or agent of any such person or of any per-
17 son described in paragraph (E)(i);

18 (E) ensure that the sentencing guidelines
19 and policy statements reflect the serious effects
20 of illegal drug manufacturing, possession, and
21 trafficking and the need for aggressive and ap-
22 propriate law enforcement action to prevent
23 such illegal drug crimes;

24 (F) consult with law enforcement officials,
25 including those specializing in illegal drug en-

1 forcement, and the Federal judiciary as part of
2 the review described in subsection (1);

3 (G) assure reasonable consistency with
4 other relevant directives and with other guide-
5 lines;

6 (H) account for any aggravating or miti-
7 gating circumstances that might justify excep-
8 tions, including circumstances for which the
9 sentencing guidelines currently provide sen-
10 tencing enhancements;

11 (I) make any necessary conforming
12 changes to the sentencing guidelines; and

13 (J) assure that the guidelines adequately
14 meet the purposes of sentencing as set forth in
15 section 3553(a)(2) of title 18, United States
16 Code.

17 (3) EMERGENCY AUTHORITY.—The Commission
18 shall promulgate any guidelines or amendments pro-
19 vided for under this section as soon as practicable in
20 accordance with the procedures set forth in section
21 21(a) of the Sentencing Act of 1987, as though the
22 authority under that Act has not expired.

23 (4) REPORT.—Not later than December 1,
24 2000, the United States Sentencing Commission
25 shall submit a report to Congress detailing the re-

1 sults of its review and explaining the changes to sen-
2 tencing policy made in response to this Act. The re-
3 port shall also include any recommendations that the
4 Commission may have for retention or modification
5 of current penalty levels, including statutory penalty
6 levels, and for otherwise combating controlled sub-
7 stances offenses.

8 **SEC. 2030. CONFORMING AMENDMENT CONCERNING MARI-**
9 **JUANA PLANTS.**

10 Section 1010(b)(4) of the Controlled Substances Im-
11 port and Export Act (21 U.S.C. 960(b)(4)) is amended
12 by striking “except in the case of 100 or more marihuana
13 plants” and inserting “except in the case of 50 or more
14 marihuana plants”.

15 **SEC. 2031. CONFORMING AMENDMENT RELATING TO**
16 **FLUNITRAZEPAM PENALTIES.**

17 Section 401(b)(1) of the Controlled Substances Act
18 (21 U.S.C. 841(b)(1)) is amended—

19 (1) in subparagraph (C), by striking “1 gram
20 of”; and

21 (2) in subparagraph (D), by striking “or 30
22 milligrams of flunitrazepam,”.

1 **SEC. 2032. INCREASED PENALTIES FOR USING MINORS TO**
2 **DISTRIBUTE DRUGS.**

3 Section 420 of the Controlled Substances Act (21
4 U.S.C. 861) is amended—

5 (1) in subsection (b), by striking “one year”
6 and inserting “three years”;

7 (2) in subsection (c), by striking “one year”
8 and inserting “five years”; and

9 (3) by amending subsection (e) to read as fol-
10 lows:

11 “(e) PROBATION PROHIBITED.—In the case of any
12 sentence imposed under this section, probation shall not
13 be granted.”.

14 **SEC. 2033. INCREASED PENALTIES FOR DISTRIBUTING**
15 **DRUGS TO MINORS.**

16 Section 418 of the Controlled Substances Act (21
17 U.S.C. 859) is amended—

18 (1) in subsection (a), by striking “one year”
19 and inserting “three years”;

20 (2) in subsection (b), by striking “one year”
21 and inserting “five years”; and

22 (3) in subsections (a) and (b), by striking
23 “under twenty-one” and inserting “under eighteen”.

1 **SEC. 2034. INCREASED PENALTY FOR DRUG TRAFFICKING**
2 **IN OR NEAR A SCHOOL OR OTHER PRO-**
3 **TECTED LOCATION.**

4 Section 419 of the Controlled Substances Act (21
5 U.S.C. 860) is amended—

6 (1) in subsection (a), by striking “one year”
7 and inserting “three years”; and

8 (2) in subsection (b), by striking “three years”
9 each time it appears and inserting “five years”.

10 **SEC. 2035. SERIOUS JUVENILE DRUG TRAFFICKING OF-**
11 **FENSES AS ARMED CAREER CRIMINAL ACT**
12 **PREDICATES.**

13 Section 924(e)(2)(C) of title 18, United States Code,
14 is amended by inserting “or serious drug offense” after
15 “violent felony”.

16 **SEC. 2036. INCREASED PENALTIES FOR USING FEDERAL**
17 **PROPERTY TO GROW OR MANUFACTURE**
18 **CONTROLLED SUBSTANCES.**

19 (a) Section 401(b)(5) of the Controlled Substances
20 Act (21 U.S.C. 841(b)(5)) is amended to read as follows:

21 “(5) Any person who violates subsection (a) of
22 this section by cultivating or manufacturing a con-
23 trolled substance on any property in whole or in part
24 owned by or leased to the United States or any de-
25 partment or agency thereof shall be subject to twice

1 the maximum punishment otherwise authorized for
2 the offense.”

3 (b) The United States Sentencing Commission shall
4 amend the sentencing guidelines pursuant to 28 U.S.C.
5 994 to insure that violations of section 401(b)(5) of the
6 Controlled Substances Act are punished substantially
7 more severely than if the violation had not occurred on
8 Federal property.

9 **SEC. 2037. CLARIFICATION OF LENGTH OF SUPERVISED RE-**
10 **LEASE TERMS IN CONTROLLED SUBSTANCE**
11 **CASES.**

12 Section 401(b)(1)(A), (B), (C), and (D) of the Con-
13 trolled Substances Act (21 U.S.C. 841(b)(1)(A), (B), (C),
14 and (D)) is amended by striking “Any sentence” each
15 place it appears and inserting “Notwithstanding section
16 3583 of title 18, any sentence”.

17 **SEC. 2038. TECHNICAL CORRECTION TO ENSURE COMPLI-**
18 **ANCE OF SENTENCING GUIDELINES WITH**
19 **PROVISIONS OF ALL FEDERAL STATUTES.**

20 Section 994(a) of title 28, United States Code, is
21 amended by striking “consistent with all pertinent provi-
22 sions of this title and title 18, United States Code,” and
23 inserting “consistent with all pertinent provisions of any
24 Federal statute”.

1 **SEC. 2039. EXCLUSION OF PERSONS WHO HAVE BENE-**
2 **FITTED FROM ILLICIT ACTIVITIES OF DRUG**
3 **TRAFFICKERS.**

4 Section 212(a)(2)(C) of the Immigration and Nation-
5 ality Act of 1952, as amended (8 U.S.C.1182 (a)(2)(C)),
6 is amended to read as follows—

7 “(C) CONTROLLED SUBSTANCE TRAF-
8 FICKERS.—Any alien who the consular officer
9 or the Attorney General knows or has reason to
10 believe—

11 “(i) is or has been an illicit trafficker
12 in any controlled substance or in any listed
13 chemical or listed precursor chemical (as
14 defined in section 102 of the Controlled
15 Substances Act (21 U.S.C. 802)), or is or
16 has been a knowing assister, abettor, con-
17 spirator, or colluder with others in the il-
18 licit trafficking in any such controlled or
19 listed substance or chemical, or

20 “(ii) is the spouse, son or daughter of
21 an alien inadmissible under clause (i), has,
22 within the previous five years, obtained any
23 financial or other benefit from the illicit
24 activity of that alien, and knew or reason-
25 ably should have known that the financial

1 or other benefit was the product of such il-
2 licit activity,
3 is inadmissible.”

4 **SEC. 2040. ENHANCING PROSECUTIONS IN INTERNATIONAL**
5 **DRUG AND MONEY LAUNDERING CASES.**

6 Section 981 of title 18, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(k) REBUTTABLE PRESUMPTIONS.—

10 “(1) At the trial of an action brought pursuant
11 to subsection (a)(1)(B), there is a presumption, gov-
12 erned by Rule 301 of the Federal Rules of Evidence,
13 that the property is subject to forfeiture if the
14 United States establishes, by a preponderance of the
15 evidence, that such property was acquired during a
16 period of time when the person who acquired the
17 property was engaged in an offense against a foreign
18 nation described in subsection (a)(1)(B) or within a
19 reasonable time after such period, and there was no
20 likely source for such property other than such of-
21 fense.

22 “(2) At the trial of an action brought pursuant
23 to subsection (a)(1)(A), there is a presumption, gov-
24 erned by Rule 301 of the Federal Rules of Evidence,
25 that the property was involved in a violation of sec-

1 tion 1956 or 1957 of this title if the United States
2 establishes, by a preponderance of the evidence, any
3 3 of the following factors:

4 “(A) the property constitutes or is trace-
5 able to more than \$10,000 that has been or was
6 intended to be transported, transmitted or
7 transferred to or from a major drug-transit
8 country, a major illicit drug producing country,
9 or a major money laundering country, as those
10 terms are determined pursuant to sections
11 481(e) and 490(h) of the Foreign Assistance
12 Act of 1961 (22 U.S.C. 2291(e) and 2291j(h));

13 “(B) the transaction giving rise to the for-
14 feiture occurred in part in a foreign country
15 whose bank secrecy laws have rendered the
16 United States unable to obtain records relating
17 to the transaction by judicial process, treaty or
18 executive agreement;

19 “(C) a person more than minimally in-
20 volved in the transaction giving rise to the for-
21 feiture action (i) has been convicted in any
22 State, Federal, or foreign jurisdiction of a fel-
23 ony involving money laundering or the manu-
24 facture, importation, sale or distribution of a

1 controlled substance, or (ii) is a fugitive from
2 prosecution for such offense; or

3 “(D) the transaction giving rise to the for-
4 feiture action was conducted by, to or through
5 a shell corporation not engaged in any legiti-
6 mate business activity in the United States.

7 “(3) For the purposes of this paragraph, ‘shell
8 corporation’ means any corporation that does not
9 conduct any ongoing and significant commercial or
10 manufacturing business or any other form of com-
11 mercial operation.

12 “(4) The enumeration of presumptions in this
13 subsection shall not preclude the development of
14 other judicially created presumptions.”.

15 **SEC. 2041. IMPORT AND EXPORT OF CHEMICALS USED TO**
16 **PRODUCE ILLICIT DRUGS.**

17 (a) Section 1018 of the Controlled Substances Import
18 and Export Act (21 U.S.C. 971) is amended—

19 (1) by amending subsection (a) to read as fol-
20 lows:

21 “(a) Each person who proposes to engage in a trans-
22 action involving the importation or exportation of a listed
23 chemical which requires advance notification pursuant to
24 the regulations of the Attorney General or the importation
25 or exportation of a tableting machine or an encapsulating

1 machine shall notify the Attorney General of the importa-
2 tion or exportation not later than 15 days before the
3 transaction is to take place in such form and supplying
4 such information as the Attorney General shall require by
5 regulation; in the case of an importation for transfer or
6 transshipment pursuant to section 1004 of this title, such
7 notice will be made as provided in that section.”;

8 (2) in subsection (c)(1)—

9 (A) by striking the phrase “(other than a
10 regulated transaction to which the requirement
11 of subsection (a) of this section does not apply
12 by reason of subsection (b) of this section)”;

13 (B) by inserting “, a tableting machine or
14 an encapsulating machine” after “a listed
15 chemical”; and

16 (C) by inserting “, tableting machine, or
17 encapsulating machine” after “the chemical”;
18 and

19 (3) in subsection (e)—

20 (A) by redesignating paragraphs (2) and
21 (3) as paragraphs (4) and (5);

22 (B) by inserting after paragraph (1) new
23 paragraphs (2) and (3) as follows:

24 “(2) The Attorney General may by regulation
25 require that the 15-day notification requirement of

1 subsection (a) apply to all imports of a listed chem-
2 ical, regardless of the status of certain importers of
3 that listed chemical as regular importers, if the At-
4 torney General finds that such notification is nec-
5 essary to support effective chemical diversion control
6 programs or is required by treaty or other inter-
7 national agreement to which the United States is a
8 party.

9 “(3) The Attorney General may require that
10 the notification requirement of subsection (a) for
11 certain importations or exportations, including those
12 subject to section 1004 of this title, include addi-
13 tional information to enable a determination to be
14 made that the listed chemical being imported or ex-
15 ported will be used for a legitimate purpose or when
16 such information is needed to satisfy requirements
17 of the importing or exporting country. The Attorney
18 General will provide notice of these additional re-
19 quirements specifically identifying the listed chemi-
20 cals and countries involved.”.

21 (b) Section 1004 of the Controlled Substances Import
22 and Export Act (21 U.S.C. 954) is amended to read as
23 follows:

1 **“§ 954. Transshipment and in-transit shipment of con-**
2 **trolled substances**

3 “(a) Notwithstanding sections 952, 953, 957 and 971
4 of this title, except as provided below—

5 “(1) A controlled substance in schedule I may
6 be imported into the United States—

7 “(A) for transshipment to another country,
8 or

9 “(B) for transference or transshipment
10 from one vessel, vehicle, or aircraft to another
11 vessel, vehicle, or aircraft within the United
12 States for immediate exportation, if and only if
13 (i) evidence is furnished which enables the At-
14 torney General to determine that the substance
15 being so imported, transferred, or transshipped
16 will be used for scientific, medical, or other le-
17 gitimate purposes in the country of destination,
18 and (ii) it is so imported, transferred, or trans-
19 shipped with the prior written approval of the
20 Attorney General (which shall be granted or de-
21 nied within 21 days of the request) based on a
22 determination that the requirements of this sec-
23 tion and the applicable subsections of sections
24 952 and 953 have been satisfied.

25 “(2) A controlled substance in schedule II, III,
26 or IV or a listed chemical may be so imported,

1 transferred, or transshipped if and only evidence is
2 furnished which enables the Attorney General to de-
3 termine that the substance or chemical being so im-
4 ported, transferred, or transshipped will be used for
5 scientific, medical, or other legitimate purposes in
6 the country of destination and (ii) advance notifica-
7 tion is given to the Attorney General not later than
8 15 days prior to the exportation of the substance or
9 chemical from the foreign port of embarkation (the
10 notification period for imports other than for trans-
11 fer or transshipment pursuant to section 1002 or
12 1018 of this title is not affected by this subsection).
13 Such notification shall be in such form and contain
14 such information as the Attorney General may re-
15 quire by regulation.

16 “(b)(1) Any such importation, transfer or
17 transshipment of a controlled substance shall be subject to
18 the applicable subsections of sections 1002 and 1003 of
19 this title. The importation, transfer, transshipment or ex-
20 portation of any controlled substance may be suspended
21 on the ground that the controlled substance may be di-
22 verted to other than scientific, medical or other legitimate
23 purposes.

24 “(2) Any such importation, transfer or transshipment
25 of a listed chemical shall be subject to all the requirements

1 of section 1018 of this title, except that in no case shall
2 the 15-day advance notification requirement be waived.
3 The importation, transfer, transshipment or exportation of
4 a listed chemical may be suspended on the ground that
5 the chemical may be diverted to the clandestine manufac-
6 ture of a controlled substance.

7 “(3) Any such importation, transfer or transshipment
8 of a controlled substance or listed chemical may be sus-
9 pended if any requirement of subsection (a) is not satis-
10 fied. The Attorney General may withdraw a suspension
11 order issued under this paragraph if (A) the requirements
12 of subsection (a) are ultimately satisfied and (B) no
13 grounds exist under paragraphs (1) or (2) of this sub-
14 section to suspend the shipment.

15 “(c) The suspension of any exportation of a con-
16 trolled substance or listed chemical will be subject to the
17 procedures and requirements established in section
18 1018(e) of this title.

19 “(d) Any shipment of a controlled substance or listed
20 chemical which has been imported or is subject to the ju-
21 risdiction of the United States whose importation, trans-
22 fer, transshipment or exportation has been suspended
23 may, in the discretion of the Attorney General, be placed
24 under seal. No disposition may be made of any such con-
25 trolled substance or listed chemical until the suspension

1 order becomes final. However, a court, upon application
2 therefor, may at any time order the sale of a perishable
3 controlled substance or listed chemical. Any such order
4 shall require the deposit of the proceeds of the sale with
5 the court. Upon a suspension order becoming final, the
6 shipment may be disposed of as follows, at the discretion
7 of the Attorney General and subject to such conditions as
8 the Attorney General may impose:

9 “(1) The title holder may be allowed to return
10 the shipment to any of the original exporter’s facili-
11 ties in the country of exportation;

12 “(2) The shipment may be exported, subject to
13 the requirements of section 1003 or 1018 of this
14 title, as appropriate, to a new consignee;

15 “(3) The shipment may be surrendered to the
16 Attorney General for appropriate disposition; all
17 costs associated with this disposition will be the re-
18 sponsibility of the title holder, however if there are
19 any proceeds from the disposition, these will be ap-
20 plied to the repayment of the costs and any excess
21 proceeds will be returned to the titleholder;

22 “(4) If sufficient cause exists, the shipment of
23 controlled substances or listed chemicals (or pro-
24 ceeds of sale deposited in court) may be forfeited to
25 the United States pursuant to section 511 of title II

1 and may be disposed of in accordance with that sec-
2 tion.

3 “(e) Nothing in this section may be used by any party
4 to defend against a forfeiture action against a shipment
5 of controlled substances or listed chemicals initiated by the
6 United States or by any state. This section does not affect
7 the liability of any party for storage and transportation
8 costs incurred by the Government as a result of the sus-
9 pension of a shipment.”.

10 (c) Section 1010(d) of the Controlled Substances Im-
11 port and Export Act (21 U.S.C. 960(d)) is amended—

12 (1) by redesignating paragraphs (5), (6) and
13 (7) as paragraphs (6), (7) and (8);

14 (2) in the redesignated paragraph (6), by strik-
15 ing “1018(e)(2) or (3)” and inserting “1018(e)(4)
16 or (5)”;

17 (3) in the redesignated paragraph (7), by in-
18 serting “or violates section 1004 of this title,” after
19 “1007 or 1018 of this title”; and

20 (4) by inserting after paragraph (4) a new
21 paragraph (5) as follows:

22 “(5) imports or exports a listed chemical, with
23 the intent to evade the reporting or recordkeeping
24 requirements of section 1018 applicable to such im-
25 portation or exportation by falsely representing to

1 the Attorney General that the importation or expor-
2 tation is not subject to the 15-day advance notifica-
3 tion required by section 1018(a) or to any reporting
4 requirements established by the Attorney General
5 pursuant to section 1018(e) (1), (2) or (3) by mis-
6 representing the actual country of final destination
7 of the listed chemical, or the actual listed chemical
8 being imported or exported; or”.

9 (d) Section 1011 of the Controlled Substances Import
10 and Export Act (21 U.S.C. 961) is amended to read as
11 follows:

12 **“§ 1011. Injunctions**

13 “In addition to any other applicable penalty, any per-
14 son convicted of a felony violation of this title or title II
15 relating to the receipt, distribution, manufacture, importa-
16 tion or exportation of a listed chemical may be enjoined
17 from engaging in any transaction involving a listed chem-
18 ical for not more than ten years.”.

19 **SEC. 2042. AMENDMENTS TO DRIVE-BY SHOOTING**
20 **STATUTE.**

21 (a) Section 36 of title 18, United States Code, is
22 amended—

23 (1) by amending the title to read “Shooting
24 into a group in furtherance of a major drug of-
25 fense”;

1 (2) in subsection (a)(1), by striking “punishable
2 under section 408(c) of the Controlled Substances
3 Act (21 U.S.C. 848(c))” and inserting “punishable
4 under section 408(a) of the Controlled Substances
5 Act (21 U.S.C. 848(a))”;

6 (3) by adding “or” at the end of subsection
7 (a)(1);

8 (4) by striking paragraphs (2) and (3) of sub-
9 section (a) and inserting the following:

10 “(2) an offense punishable under section
11 401(b)(1)(A) of the Controlled Substances Act (21
12 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the
13 Controlled Substances Import and Export Act (21
14 U.S.C. 960(b)(1)) or a conspiracy or attempt to
15 commit such an offense.”; and

16 (5) in paragraphs (1) and (2) of subsection (b),
17 by striking “with the intent to intimidate,” and in-
18 serting “with the intent to kill, intimidate,”.

19 (b) The table of sections for chapter 2 of title 18,
20 United States Code, is amended by striking “Drive-by
21 shooting” and inserting “Shooting into a group in further-
22 ance of a major drug offense”.

1 **Subtitle C—Anti-drug and Orga-**
2 **nized Crime Money Laundering**
3 **Act**

4 **SEC. 2051. ILLEGAL MONEY TRANSMITTING BUSINESSES.**

5 (a) SCIENTER REQUIREMENT FOR SECTION 1960
6 VIOLATION.—Section 1960 of title 18, United States
7 Code, is amended by adding at the end the following:

8 “(c) For the purposes of proving a violation of this
9 section involving an illegal money transmitting business
10 as defined in subsection (b)(1)(A) or (B), it shall be suffi-
11 cient for the Government to prove that the defendant knew
12 that the money transmitting business lacked a license re-
13 quired by State law (in the case of subsection (b)(1)(A)
14 or, had failed to comply with the money transmitting busi-
15 ness registration requirements of 31 U.S.C. 5330 or the
16 regulations thereunder, in the case of subsection
17 (b)(1)(B)). It shall not be necessary to show that the de-
18 fendant knew that the operation of such a business with-
19 out the required license or registration was an offense
20 punishable as a felony or misdemeanor.”.

21 (b) SEIZURE OF ILLEGALLY TRANSMITTED
22 FUNDS.—Section 981(a)(1)(A) of title 18, United States
23 Code, is amended by striking “or 1957” and inserting A,
24 1957 or 1960”.

1 **SEC. 2052. RESTRAINT OF ASSETS OF PERSONS ARRESTED**
2 **ABROAD.**

3 Section 981(b) of title 18, United States Code, is
4 amended by adding at the end the following:

5 “(3) If any person is arrested or charged in a
6 foreign country in connection with an offense that
7 would give rise to the forfeiture of property in the
8 United States under this section or under the Con-
9 trolled Substances Act, the Attorney General may
10 apply to any Federal judge or magistrate judge in
11 the district where the property is located for an ex
12 parte order restraining the property subject to for-
13 feiture for not more than 30 days, except that the
14 time may be extended for good cause shown at a
15 hearing conducted in the manner provided in rule
16 43(e) of the Federal Rules of Civil Procedure. The
17 application for the restraining order shall set forth
18 the nature and circumstances of the foreign charges
19 and the basis for belief that the person arrested or
20 charged has property in the United States that
21 would be subject to forfeiture, and shall contain a
22 statement that the restraining order is needed to
23 preserve the availability of property for such time as
24 is necessary to receive evidence from the foreign
25 country or elsewhere in support of probable cause

1 for the seizure of the property under this sub-
2 section.”.

3 **SEC. 2053. LONG-ARM JURISDICTION OVER FOREIGN**
4 **MONEY LAUNDERERS.**

5 Section 1956(b) of title 18, United States Code, is
6 amended—

7 (1) by inserting “(1)” after “(b)”;

8 (2) by redesignating present paragraphs (1)
9 and (2) as subparagraphs (A) and (B), respectively;

10 (3) by inserting A, or section 1957” after “or
11 (a)(3)”;

12 (4) by adding at the end the following:
13 “(2) For purposes of adjudicating an action
14 filed or enforcing a penalty ordered under this sec-
15 tion, the district courts shall have jurisdiction over
16 any foreign person, including any financial institu-
17 tion authorized under the laws of a foreign country,
18 that commits an offense under subsection (a) involv-
19 ing a financial transaction that occurs in whole or
20 in part in the United States, if service of process
21 upon such foreign person is made under the Federal
22 Rules of Civil Procedure or the laws of the country
23 where the foreign person is found.

24 “(3) The court may issue a pretrial restraining
25 order or take any other action necessary to ensure
that any bank account or other property held by the

1 defendant in the United States is available to satisfy
2 a judgment under this section.”.

3 **SEC. 2054. LAUNDERING MONEY THROUGH A FOREIGN**
4 **BANK.**

5 Section 1956(c)(6) of title 18, United States Code,
6 is amended to read as follows:

7 “(6) the term ‘financial institution’ includes any
8 financial institution described in section 5312(a)(2)
9 of title 31, United States Code, or the regulations
10 promulgated thereunder, as well as any foreign
11 bank, as defined in paragraph (7) of section 1(b) of
12 the International Banking Act of 1978 (12 U.S.C.
13 3101(7)).”.

14 **SEC. 2055. SPECIFIED UNLAWFUL ACTIVITY FOR MONEY**
15 **LAUNDERING.**

16 (a) IN GENERAL.—Section 1956(c)(7) of title 18,
17 United States Code, is amended—

18 (1) in subparagraph (B)—

19 (A) so that clause (ii) reads as follows:

20 “(ii) any act or acts constituting a
21 crime of violence;”; and

22 (B) by inserting after clause (iii) the fol-
23 lowing:

24 “(iv) fraud or any scheme to defraud
25 committed against a foreign individual or

1 entity, an individual residing in a foreign
2 country, a foreign government, or foreign
3 governmental entity;

4 “(v) bribery of a public official, or the
5 misappropriation, theft, or embezzlement
6 of public funds by or for the benefit of a
7 public official;

8 “(vi) smuggling or export control vio-
9 lations involving munitions listed in the
10 United States Munitions List or tech-
11 nologies with military applications as de-
12 fined in the Commerce Control List of the
13 Export Administration Regulations; or

14 “(vii) an offense with respect to which
15 the United States would be obligated by a
16 multilateral treaty either to extradite the
17 alleged offender or to submit the case for
18 prosecution, if the offender were found
19 within the territory of the United States.”;
20 and

21 (2) in subparagraph (D)—

22 (A) by inserting “section 541 (relating to
23 goods falsely classified),” before “section 542”;

24 (B) by inserting “section 922(1) (relating
25 to the unlawful importation of firearms), sec-

1 tion 924(m) (relating to firearms trafficking),”
2 before “section 956”;

3 (C) by inserting “section 1030 (relating to
4 computer fraud and abuse),” before “1032”;
5 and

6 (D) by inserting “any felony violation of
7 the Foreign Agents Registration Act of 1938,
8 as amended,” before “or any felony violation of
9 the Foreign Corrupt Practices Act”.

10 (3) in paragraph (E), by inserting “the Clean
11 Air Act (42 U.S.C. 7401 et seq.),” after “the Safe
12 Drinking Water Act (42 U.S.C. 300f et seq.),”.

13 **SEC. 2056. CRIMINAL FORFEITURE FOR MONEY LAUN-**
14 **DERING CONSPIRACIES.**

15 Section 982(a)(1) of title 18, United States Code, is
16 amended by inserting A, or a conspiracy to commit any
17 such offense” after “of this title”.

18 **SEC. 2057. SUBPOENAS FOR BANK RECORDS.**

19 Section 986 of title 18, United States Code, is
20 amended—

21 (1) in subsection (a)—

22 (A) by striking “section 1956, 1957, or
23 1960 of this title, section 5322 or 5324 of title
24 31, United States Code” and inserting “section
25 981 or 982 of this title”;

1 (B) by inserting “before or” before
2 “after”;

3 (C) by striking “in rem”; and

4 (D) by striking the last sentence; and

5 (2) in subsection (c), by inserting “or the Fed-
6 eral Rules of Criminal Procedure” after “Proce-
7 dure”.

8 **SEC. 2058. CHARGING MONEY LAUNDERING AS A COURSE**
9 **OF CONDUCT.**

10 Section 1956(h) of title 18, United States Code, is
11 amended—

12 (1) by inserting “(1)” before “Any person”;
13 and

14 (2) by adding at the end the following:

15 “(2) Any person who commits multiple violations of
16 this section or Section 1957 that are part of the same
17 scheme or continuing course of conduct may be charged,
18 at the election of the Government, in a single count in
19 an indictment or information.”.

20 **SEC. 2059. VENUE IN MONEY LAUNDERING CASES.**

21 Section 1956 of title 18, United States Code, is
22 amended by adding at the end the following:

23 “(i) VENUE.—(1) Except as provided in paragraph
24 (2), a prosecution for an offense under this section or sec-
25 tion 1957 may be brought in—

1 “(A) any district in which the financial or mon-
2 etary transaction is conducted, or

3 “(B) any district where a prosecution for the
4 underlying specified unlawful activity could be
5 brought, if the defendant participated in the transfer
6 of the proceeds of the specified unlawful activity
7 from that district to the district where the financial
8 or monetary transaction is conducted.

9 “(2) A prosecution for an attempt or conspiracy of-
10 fense under this section or section 1957 may be brought
11 in the district where venue would lie for the completed of-
12 fense under paragraph (1), or in any other district where
13 an act in furtherance of the attempt or conspiracy took
14 place.”.

15 **SEC. 2060. TECHNICAL AMENDMENT TO RESTORE WIRETAP**
16 **AUTHORITY FOR CERTAIN MONEY LAUN-**
17 **DERING OFFENSES.**

18 Section 2516(1)(g) of title 18, United States Code,
19 is amended by striking “a violation of section 5322 of title
20 31, United States Code (dealing with the reporting of cur-
21 rency transactions)” and inserting “a violation of section
22 5322 or 5324 of title 31, United States Code (dealing with
23 the reporting and illegal structuring of currency trans-
24 actions)”.

1 **SEC. 2061. KNOWLEDGE THAT THE PROPERTY IS THE PRO-**
2 **CEEDS OF A FELONY.**

3 Section 1956(c)(1) of title 18, United States Code,
4 is amended by inserting “, and regardless of whether or
5 not the person knew that the activity constituted a felony”
6 before the semicolon at the end.

7 **SEC. 2062. MONEY PURCHASED ON THE BLACK MARKET.**

8 (a) IN GENERAL.—B Section 981(a) of title 18,
9 United States Code, is amended by adding at the end the
10 following:

11 “(3) A person asserting an innocent owner de-
12 fense under paragraph (2), or any other provision of
13 law, in currency, monetary instruments or funds
14 purchased from a money broker must be a bona fide
15 purchaser for value without reason to know that the
16 currency, monetary instruments or funds were sub-
17 ject to forfeiture, and must establish that such per-
18 son took all reasonable affirmative steps to deter-
19 mine the source of the currency, monetary instru-
20 ments or funds, or to verify that the currency, mone-
21 tary instruments or funds were not derived from ille-
22 gal activity.

23 “(4) For purposes of paragraph (3)—

24 “(A) the term ‘money broker’ means any
25 person who sells or exchanges currency, mone-
26 tary instruments or funds, either in the United

1 States or in a foreign country, either independ-
2 ently, or through any parallel market, black
3 market, casa de cambio, or other currency ex-
4 change business; and

5 “(B) what constitutes ‘all reasonable af-
6 firmative steps’ depends on the facts and cir-
7 cumstances surrounding the transaction, but if
8 the money broker is a financial institution, as
9 defined in section 20 of this title, the purchaser
10 takes ‘all reasonable affirmative steps’ if the
11 purchaser conducts the transaction at the fi-
12 nancial institution during normal business
13 hours in an arms-length transaction and has no
14 reason to know that the currency, monetary in-
15 struments, or funds were derived from or used
16 to commit any unlawful activity.”.

17 (b) APPLICATION.—The amendments made by this
18 section shall apply to any case pending on the effective
19 date of this Act.

20 **SEC. 2063. MONEY LAUNDERING TRANSACTIONS; COMMUN-**
21 **ICATED ACCOUNTS.**

22 (a) SECTION 1956.—Section 1956 of title 18, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 “(j) A transaction, transportation, transmission, or
2 transfer of funds shall be considered for the purposes of
3 this section to be one involving the proceeds of specified
4 unlawful activity, or property represented to be the pro-
5 ceeds of specified unlawful activity, if the transaction,
6 transportation, transmission, or transfer involves—

7 “(1) funds directly traceable to the specified
8 unlawful activity, or represented to be directly trace-
9 able to the specified unlawful activity;

10 “(2) a bank account in which the proceeds of
11 specified unlawful activity, or property represented
12 to be the proceeds of specified unlawful activity,
13 have been commingled with other funds; or

14 “(3) 2 or more bank accounts, where the pro-
15 ceeds of specified unlawful activity, or property rep-
16 resented to be the proceeds of specified unlawful ac-
17 tivity, are deposited into 1 bank account and there
18 is a contemporaneous, related withdrawal from, or
19 debit to, another bank account controlled by the
20 same person, or by a person acting in concert with
21 that person.”.

22 (b) SECTION 1957.—Section 1957(f) of title 18,
23 United States Code, is amended by inserting after para-
24 graph (3) the following:

1 “(4) the term ‘monetary transaction in crimi-
2 nally derived property that is of a value greater than
3 \$10,000’ includes—

4 “(A) a monetary transaction involving the
5 transfer, withdrawal, encumbrance or other dis-
6 position of more than \$10,000 from a bank ac-
7 count in which more than \$10,000 in proceeds
8 of specified unlawful activity have been commin-
9 gled with other funds;

10 “(B) a series of monetary transactions in
11 amounts under \$10,000 that exceed \$10,000 in
12 the aggregate and that are closely related to
13 each other in terms of time, the identity of the
14 parties involved, the nature of the transactions
15 and the manner in which they are conducted;
16 and

17 “(C) any financial transaction described in
18 Section 1956(j)(3) that involves more than
19 \$10,000 in proceeds of specified unlawful activ-
20 ity.”.

21 (c) **TECHNICAL AMENDMENT.**—Section
22 1956(c)(7)(F) of title 18, United States Code, is amended
23 by inserting “, as defined in section 24” before the period.

1 **SEC. 2064. DISCOVERY PROCEDURE FOR LOCATING**
2 **LAUNDERED MONEY.**

3 Section 413(m) of the Controlled Substances Act (21
4 U.S.C. 853(m)) is amended by inserting before the period
5 at the end the following: “to the extent that the provisions
6 of the Rule are consistent with the purposes for which dis-
7 covery is conducted under this subsection. Because this
8 subsection applies only to matters occurring after the de-
9 fendant has been convicted and the property of the defend-
10 ant has been declared forfeited, the provisions of rule 15
11 requiring the consent of the defendant and the presence
12 of the defendant at the deposition shall not apply”.

13 **SEC. 2065. REPATRIATION OF PROPERTY PLACED BEYOND**
14 **THE JURISDICTION OF THE COURT.**

15 (a) **CRIMINAL FORFEITURE.**—Section 413(p) of the
16 Controlled Substances Act (21 U.S.C. 853(p)) is amended
17 by adding at the end the following: “In the case of prop-
18 erty described in paragraph (3), the court may, in addi-
19 tion, order the defendant to return the property to the
20 jurisdiction of the court so that it may be seized and for-
21 feited.”.

22 (b) **PRE-TRIAL RESTRAINING ORDER.**—Section
23 413(e) of the Controlled Substances Act (21 U.S.C.
24 853(e)) is amended by adding at the end the following:

25 “(4) Pursuant to its authority to enter a pre-
26 trial restraining order under this section, including

1 its authority to restrain any property forfeitable as
2 substitute assets, the court may also order the de-
3 fendant to repatriate any property subject to for-
4 feiture pending trial, and to deposit that property in
5 the registry of the court, or with the United States
6 Marshals Service or the Secretary of the Treasury,
7 in an interest-bearing account. Failure to comply
8 with an order under this subsection, or an order to
9 repatriate property under subsection (p), shall be
10 punishable as a civil or criminal contempt of court,
11 and may also result in an enhancement of the sen-
12 tence for the offense giving rise to the forfeiture
13 under the obstruction of justice provision of section
14 3C1.1 of the Federal Sentencing Guidelines.”.

15 **SEC. 2066. LAUNDERING THE PROCEEDS OF TERRORISM.**

16 Section 1956(c)(7)(D) of title 18, United States
17 Code, is amended by inserting “or 2339B” after “2339A”.

18 **SEC. 2067. BULK CASH SMUGGLING.**

19 (a) PURPOSE.—It is the purpose of this section to
20 authorize forfeiture of any cash or instruments whose
21 movements are not reported under the terms of the Bank
22 Secrecy Act and its implementing regulations, to empha-
23 size the seriousness of the act of such non-reporting, and
24 to prescribe guidelines for determining the amount of
25 property subject to such forfeiture in various situations.

1 (b) ENACTMENT OF BULK CASH SMUGGLING OF-
2 FENSE.—Chapter 53 of title 31, United States Code, is
3 amended by adding at the end the following:

4 **“§ 5331. Bulk cash smuggling**

5 “(a) CRIMINAL OFFENSE.—Whoever, with the intent
6 to evade a currency reporting requirement under section
7 5316, knowingly conceals more than \$10,000 in currency
8 or other monetary instruments on his person or in any
9 conveyance, article of luggage, merchandise, or other con-
10 tainer, and transports or transfers or attempts to trans-
11 port or transfer such currency or monetary instruments
12 from a place within the United States to a place outside
13 of the United States, or from a place outside the United
14 States to a place within the United States, shall be guilty
15 of a currency smuggling offense and subject to punish-
16 ment pursuant to subsection (b). For purposes of this sec-
17 tion, ‘monetary instruments’ has the meaning set forth in
18 this chapter and the regulations promulgated thereunder.

19 “(b) PENALTY.—A person convicted of a currency
20 smuggling offense under subsection (a), or a conspiracy
21 to commit such offense, shall be imprisoned for not more
22 than 5 years. In addition, the court, in imposing sentence,
23 shall order that the defendant forfeit to the United States,
24 any property, real or personal, involved in the offense, and
25 any property traceable to such property, subject to sub-

1 section (d) of this section. The forfeiture of property under
2 this section shall be governed by section 413 of the Con-
3 trolled Substances Act (21 U.S.C. § 853). If the property
4 subject to forfeiture is unavailable, and the defendant has
5 no substitute property that may be forfeited pursuant to
6 section 413(p) of the Controlled Substances Act (21
7 U.S.C. 853(p)), the court shall enter a personal money
8 judgment against the defendant for the amount that would
9 be subject to forfeiture.

10 “(c) SEIZURE OF SMUGGLING CASH.—Any property
11 involved in a violation of subsection (a), or a conspiracy
12 to commit such violation, and any property traceable
13 thereto, may be seized and, subject to subsection (d) of
14 this section, forfeited to the United States. The seizure
15 and forfeiture shall be governed by the procedures gov-
16 erning civil forfeitures in money laundering cases pursuant
17 to section 981(a)(1)(A) of title 18. For purposes of this
18 subsection and subsection (b), any currency or other mon-
19 etary instrument that is concealed or intended to be con-
20 cealed in violation of subsection (a) or a conspiracy to
21 commit such violation, any article, container or conveyance
22 used or intended to be used to conceal or transport the
23 currency or other monetary instrument, and any other
24 property used or intended to be used to facilitate the of-
25 fense, shall be considered property involved in the offense.

1 “(d) PROPORTIONALITY OF FORFEITURE.—Upon a
2 showing by the property owner by a preponderance of the
3 evidence that the currency or monetary instruments in-
4 volved in the offense giving rise to the forfeiture were de-
5 rived from a legitimate source, and were intended for a
6 lawful purpose, the court shall reduce the forfeiture to the
7 maximum amount that is not grossly disproportional to
8 the gravity of the offense. In determining the amount of
9 the forfeiture, the court shall consider all aggravating and
10 mitigating facts and circumstances that have a bearing on
11 the gravity of the offense. Such circumstances include, but
12 are not limited to, the following: the value of the currency
13 or other monetary instruments involved in the offense; ef-
14 forts by the person committing the offense to structure
15 currency transactions, conceal property, or otherwise ob-
16 struct justice; and whether the offense is part of a pattern
17 of repeated violations of this section or any other currency
18 reporting money laundering offense.”.

19 (c) CHAPTER ANALYSIS.—The chapter analysis for
20 chapter 53 of title 31, United States Code, is amended
21 by inserting at the end the following:

“Sec. 5331. Bulk Cash Smuggling.”.

22 (d) CURRENCY REPORTING VIOLATIONS.—Section
23 5317(c) of title 31, United States Code, is amended to
24 read as follows:

1 “(c)(1) The court in imposing sentence for any viola-
2 tion of section 5313, 5316, or 5324, or any conspiracy
3 to commit such violation, shall order the defendant to for-
4 feit all property, real or personal, involved in the offense
5 and any property traceable thereto. Forfeitures under this
6 paragraph shall be governed by the procedures set forth
7 in Section 413 of the Controlled Substances Act (21
8 U.S.C. § 853), and the guidelines set forth in paragraph
9 (3).

10 “(2) Any property involved in a violation of section
11 5313, 5316, or 5324, or any conspiracy to commit such
12 violation, and any property traceable thereto, may be
13 seized and, subject to subsection (c)(3) of this section, for-
14 feited to the United States in accordance with the proce-
15 dures governing civil forfeitures in money laundering cases
16 pursuant to section 981(a)(1)(A) of title 18.

17 “(3) Upon a showing by the property owner by a pre-
18 ponderance of the evidence that any currency or monetary
19 instruments involved in the offense giving rise to the for-
20 feiture were derived from a legitimate source, and were
21 intended for a lawful purpose, the court shall reduce the
22 forfeiture to the maximum amount that is not grossly dis-
23 proportional to the gravity of the offense. In determining
24 the amount of the forfeiture, the court shall consider all
25 aggravating and mitigating facts and circumstances that

1 have a bearing on the gravity of the offense. Such cir-
2 cumstances include, but are not limited to, the following:
3 the value of the currency or other monetary instruments
4 involved in the offense; efforts by the person committing
5 the offense to structure currency transactions, conceal
6 property, or otherwise obstruct justice; and whether the
7 offense is part of a pattern of repeated violations.”.

8 (e) CONFORMING AMENDMENTS.—(1) Section
9 981(a)(1)(A) of title 18, United States Code, is amended
10 by striking “of section 5313(a) or 5324(a) of title 31, or”;

11 (2) Section 982(a)(1) of title 18, United States Code,
12 is amended by striking “of 5313(a), 5316, or 5324 of title
13 31, or”.

14 **SEC. 2068. CURRENCY COURIERS.**

15 Section 1957 of title 18, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(g) Any person who conceals more than \$10,000 in
19 currency in any vehicle, or in any compartment or con-
20 tainer within any vehicle, and transports, attempts to
21 transport, or conspires to transport such currency in inter-
22 state commerce on any public road or highway, knowing
23 that the currency was derived from some form of unlawful
24 activity, or knowing that the currency was intended to be
25 used to promote some form of unlawful activity, shall be

1 punished as provided in subsection (b). The defendant's
2 knowledge may be established by proof that the defendant
3 was willfully blind to the source or intended use of the
4 currency.”.

5 **SEC. 2069. VIOLATIONS OF SECTION 6050I.**

6 Sections 981(a)(1)(A) and 982(a)(1) of title 18,
7 United States Code, are amended by inserting “, or of sec-
8 tion 6050I of the Internal Revenue Code of 1986 (26
9 U.S.C. § 6050I)” after “of title 31”.

10 **SEC. 2070. PROCEEDS OF FOREIGN CRIMES.**

11 Section 981(a)(1)(B) of title 18, United States Code,
12 is amended to read as follows:

13 “(B) Any property, real or personal, within
14 the jurisdiction of the United States, consti-
15 tuting, derived from, or traceable to, any pro-
16 ceeds obtained directly or indirectly from an of-
17 fense against a foreign nation involving (i) the
18 manufacture, importation, sale, or distribution
19 of a controlled substance (as such term is de-
20 fined for the purposes of the Controlled Sub-
21 stances Act) or (ii) any other conduct described
22 in section 1956(c)(7)(B), within whose jurisdic-
23 tion such offense would be punishable by death
24 or imprisonment for a term exceeding one year
25 and which would be punishable under the laws

1 of the United States by imprisonment for a
2 term exceeding one year if such act or activity
3 constituting the offense against the foreign na-
4 tion had occurred within the jurisdiction of the
5 United States, or any property used to facilitate
6 such offense.”.

7 **SEC. 2071. AUTHORIZATION TO SHARE RECOVERED PROP-**
8 **ERTY WITH COOPERATING FOREIGN GOV-**
9 **ERNMENTS.**

10 (a) IN GENERAL.—Section 981(i)(1) of title 18,
11 United States Code, is amended by striking “this chapter”
12 and inserting “any provision of Federal law”.

13 (b) CONFORMING AMENDMENT.—Section 511(e)(1)
14 of the Controlled Substances Act (21 U.S.C. 881(e)(1))
15 is amended by—

16 (1) inserting “or” at the end of subparagraph
17 (C);

18 (2) striking “; or” at the end of subparagraph
19 (D) and inserting a period; and (3) striking sub-
20 paragraph (E).

21 **SEC. 2072. IN PERSONAM JUDGMENTS.**

22 Section 1963(l)(1) of title 18, United States Code,
23 and section 413(n)(1) of the Controlled Substances Act
24 (21 U.S.C. 853(n)(1)) are each amended by adding the
25 following sentence at the end: “To the extent that the

1 order of forfeiture includes only an in personam money
2 judgment against the defendant, no proceeding under this
3 subsection shall be necessary.”.

4 **SEC. 2073. CRIMINAL FORFEITURE OF PROPERTY IN GOV-**
5 **ERNMENT CUSTODY.**

6 Section 413(f) of the Controlled Substances Act (21
7 U.S.C. 853(f)) is amended to read, as follows:

8 “(f) Property subject to forfeiture under this section
9 may be seized pursuant to section 981(b) of title 18,
10 United States Code. If property subject to criminal for-
11 feiture under this section is already in the custody of the
12 United States or any agency thereof, it shall not be nec-
13 essary to seize or restrain the property for the purpose
14 of criminal forfeiture.”.

15 **SEC. 2074. RESTRAINT OF PROPERTY SUBJECT TO CRIMI-**
16 **NAL FORFEITURE.**

17 Section 413(e)(1) of the Controlled Substances Act
18 (21 U.S.C. 853(e)(1)) is amended by striking “(a)” and
19 inserting “(a) or (p)”.

20 **SEC. 2075. INCLUDING AGENCIES OF TRIBAL GOVERN-**
21 **MENTS IN THE DEFINITION OF A FINANCIAL**
22 **INSTITUTION.**

23 Section 5312(a)(2)(W) of title 31, United States
24 Code, is amended by striking “State or local” and insert-
25 ing “State, local or tribal”.

1 **SEC. 2076. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC**
2 **TARGETING ORDERS AND CERTAIN RECORD-**
3 **KEEPING REQUIREMENTS.**

4 (a) CIVIL PENALTY FOR VIOLATION OF TARGETING
5 ORDER.—Section 5321(a)(1) of title 31, United States
6 Code, is amended—

7 (1) by inserting “or order issued” after “sub-
8 chapter or a regulation prescribed”; and

9 (2) by inserting A, or willfully violating a regu-
10 lation prescribed under section 21 of the Federal
11 Deposit Insurance Act or section 123 of Public Law
12 91–508,” after “section 5314 and 5315”).

13 (b) CRIMINAL PENALTIES FOR VIOLATION OF TAR-
14 GETING ORDER.—Section 5322 of title 31, United States
15 Code, is amended—

16 (1) in subsection (a)—

17 (A) by inserting “or order issued” after
18 “willfully violating this subchapter or a regula-
19 tion prescribed”; and

20 (B) by inserting “or willfully violating a
21 regulation prescribed under section 21 of the
22 Federal Deposit Insurance Act or section 123
23 of Public Law 91–508,” after “under section
24 5315 or 5324),”;

25 (2) in subsection (b)—

1 (A) by inserting “or order issued” after
2 “willfully violating this subchapter or a regula-
3 tion prescribed”; and

4 (B) by inserting “willfully violating a regu-
5 lation prescribed under section 21 of the Fed-
6 eral Deposit Insurance Act or section 123 of
7 Public Law 91–508,” after “under section 5315
8 or 5324,”;

9 (c) STRUCTURING TRANSACTIONS TO EVADE TAR-
10 GETING ORDER OR CERTAIN RECORDKEEPING REQUIRE-
11 MENTS.—Section 5324 of title 31, United States Code, is
12 amended—

13 (1) in the title by inserting “or recordkeeping”
14 after “reporting”.

15 (2) in subsection (a)—

16 (A) by inserting a comma after “shall”;

17 (B) by striking “section—” and inserting
18 “section, the reporting or recordkeeping re-
19 quirements imposed by any order issued under
20 section 5326, or the recordkeeping requirements
21 imposed by any regulation prescribed under sec-
22 tion 21 of the Federal Deposit Insurance Act or
23 section 123 of Public Law 91–508—”;

24 (C) in paragraphs (1) and (2), by inserting
25 “, to file a report or maintain a record required

1 by any order issued under section 5326, or to
2 maintain a record required pursuant to any reg-
3 ulation prescribed under section 21 of the Fed-
4 eral Deposit Insurance Act or section 123 of
5 Public Law 91–508” after “regulation pre-
6 scribed under any such section” each place that
7 term appears.

8 (d) INCREASE IN CIVIL PENALTIES FOR VIOLATION
9 OF CERTAIN RECORDKEEPING REQUIREMENTS.—

10 (1) FEDERAL DEPOSIT INSURANCE ACT.—Sec-
11 tion 21(j)(1) of the Federal Deposit Insurance Act
12 (12 U.S.C. 1829b(j)(1)) is amended by striking
13 “\$10,000” and inserting “the greater of—

14 “(A) the amount (not to exceed \$100,000)
15 involved in the transaction (if any) with respect
16 to which the violation occurred; or

17 “(B) \$25,000”.

18 (2) PUBLIC LAW 91–508.—Section 125(a) of
19 Public Law 91–508 (12 U.S.C. 1955(a)) is amended
20 by striking “\$10,000” and inserting “the greater
21 of—

22 “(1) the amount (not to exceed \$100,000) in-
23 volved in the transaction (if any) with respect to
24 which the violation occurred; or

25 “(2) \$25,000.”.

1 (e) CRIMINAL PENALTIES FOR VIOLATION OF CER-
2 TAIN RECORDKEEPING REQUIREMENTS.—

3 (1) SECTION 126.—Section 126 of Public Law
4 91–508 (12 U.S.C. 1956) is amended to read as fol-
5 lows:

6 **“SEC. 126. CRIMINAL PENALTY.**

7 “A person that willfully violates this chapter, section
8 21 of the Federal Deposit Insurance Act, or a regulation
9 prescribed under this chapter or that section 21, shall be
10 fined not more than \$250,000, or imprisoned for not more
11 than 5 years, or both.”.

12 (2) SECTION 127.—Section 127 of Public Law
13 91–508 (12 U.S.C. 1957) is amended to read as fol-
14 lows:

15 **“SEC. 127. ADDITIONAL CRIMINAL PENALTY IN CERTAIN**
16 **CASES.**

17 “A person that willfully violates this chapter, section
18 21 of the Federal Deposit Insurance Act, or a regulation
19 prescribed under this chapter or that section 21, while vio-
20 lating another law of the United States or as part of a
21 pattern of any illegal activity involving more than
22 \$100,000 in a 12–month period, shall be fined not more
23 than \$500,000, imprisoned for not more than 10 years,
24 or both.”.

1 (f) TECHNICAL AMENDMENT.—The table of sections
 2 for chapter 53 of title 31, United States Code, is amended
 3 by inserting after the item relating to section 5323 the
 4 following:

“Sec. 5324. Structuring transactions to evade reporting or recordkeeping re-
 quirement prohibited.”.

5 **TITLE III—FIGHTING TER-**
 6 **RORISM AND INTER-**
 7 **NATIONAL CRIME**
 8 **SUBTITLE A—Investigating and**
 9 **Punishing Violent Crimes**
 10 **Against U.S. Nationals Abroad**

11 **SEC. 3001. EXTORTION AGAINST U.S. NATIONALS ABROAD**
 12 **IN FURTHERANCE OF ORGANIZED CRIME.**

13 Section 2332 of title 18, United States Code, is
 14 amended—

15 (1) by redesignating subsection (d) as sub-
 16 section (e);

17 (2) by inserting after subsection (c) the fol-
 18 lowing:

19 “(d) Whoever commits or attempts to commit extor-
 20 tion against a national of the United States, while such
 21 national is outside the United States, shall be fined under
 22 this title or imprisoned not more than twenty years, or
 23 both.”;

1 (3) by striking the period at the end of sub-
2 section (e), as designated by paragraph (1) of this
3 section, and inserting “, or was intended to further
4 the objectives of an organized criminal group. A cer-
5 tification under this paragraph is not subject to judi-
6 cial review.”; and

7 (4) by adding at the end the following:

8 “(f) Nothing in this section shall be construed as in-
9 dicating an intent on the part of Congress to interfere with
10 the exercise of criminal jurisdiction by the nation or na-
11 tions in which the criminal act occurred or to mandate
12 that each potential violation should be the subject of inves-
13 tigation or prosecution by the United States.

14 “(g) As used in this section, the term—

15 “(1) ‘extortion’ means the obtaining of property
16 worth \$100,000 or more from another by threat-
17 ening or placing another person in fear that any per-
18 son will be subjected to bodily injury or kidnapping
19 or that any property will be damaged or destroyed;
20 and

21 “(2) ‘organized criminal group’ means an enter-
22 prise consisting of a group of individuals associated
23 in fact, as defined in section 1961(4), and which is
24 engaged in or has as a purpose the commission of
25 an act or acts which would constitute racketeering

1 activity, as defined in section 1961, if committed
2 within the United States.”.

3 **SEC. 3002. MURDER AND SERIOUS ASSAULTS OF A STATE**
4 **OR LOCAL OFFICIAL ABROAD.**

5 Chapter 51 of title 18, United States Code, is amend-
6 ed by adding at the end a new section 1123 as follows:

7 **“§ 1123. Murder or serious assault of a State or local**
8 **law enforcement, judicial or other official**
9 **abroad**

10 “(a) Whoever, in the circumstances described in sub-
11 section (b)—

12 “(1) kills or attempts to kill an official of a
13 State or a political subdivision thereof shall be pun-
14 ished as provided under sections 1111, 1112, and
15 1113 of this title; or

16 “(2) assaults an official of a State or a political
17 subdivision thereof and such assault results in seri-
18 ous bodily injury shall be punished as provided
19 under section 113 of this title.

20 “(b) The circumstance referred to in subsection (a)
21 is that the official of a State or political subdivision
22 thereof—

23 “(1) is outside the territorial jurisdiction of the
24 United States; and

1 “(2) is engaged in, or the prohibited activity oc-
2 curs on account of the provision by such official of,
3 training, technical assistance, or other assistance to
4 the United States or a foreign government in con-
5 nection with any program funded, in whole or in
6 part, by the Federal Government.

7 “(c) LIMITATIONS ON PROSECUTION.—No prosecu-
8 tion may be instituted against any person under this sec-
9 tion except upon the written approval of the Attorney Gen-
10 eral, the Deputy Attorney General, or an Assistant Attor-
11 ney General, which function of approving prosecutions
12 may not be delegated. A determination under this para-
13 graph is not subject to judicial review.

14 “(d) Nothing in this section shall be construed as in-
15 dicating an intent on the part of Congress to interfere with
16 the exercise of criminal jurisdiction by the nation or na-
17 tions in which the criminal act occurred or to mandate
18 that each potential violation should be the subject of inves-
19 tigation or prosecution by the United States.

20 “(e) DEFINITIONS.—For purposes of this section,—

21 “(1) the term ‘serious bodily injury’ shall have
22 the meaning prescribed in section 2119 of this title;
23 and

24 “(2) the term ‘State’ shall have the meaning
25 prescribed in section 245(d) of this title.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-
 2 tions for chapter 51 of title 18, United States Code, is
 3 amended by adding at the end the following:

“1123. Murder or serious assault of a State or local law enforcement, judicial
 or other official abroad.”.

4 **Subtitle B—Strengthening the Air,**
 5 **Land and Sea Borders of the**
 6 **United States**

7 **CHAPTER 1—VIOLENCE COMMITTED**
 8 **ALONG U.S. BORDER**

9 **SEC. 3011. FELONY PUNISHMENT FOR VIOLENCE COM-**
 10 **MITTED ALONG THE U.S. BORDER.**

11 (a) IN GENERAL.—Chapter 27 of title 18, United
 12 States Code, is amended by adding at the end a new sec-
 13 tion 554 as follows:

14 **“§ 554. Violence while eluding inspection or during**
 15 **violation of arrival, reporting, entry or**
 16 **clearance requirements**

17 “(a) Whoever attempts to commit or commits a crime
 18 of violence or recklessly operates any conveyance during
 19 and in relation to—

20 “(1) attempting to elude or eluding customs,
 21 immigration or agriculture inspection or failing to
 22 stop at the command of an officer or employee of
 23 the United States charged with enforcing the immi-

1 gration, customs, or other laws of the United States
2 along any border of the United States; or

3 “(2) an intentional violation of arrival, report-
4 ing, entry, or clearance requirements, as set forth in
5 the Agriculture and Food Act of 1981, Public Law
6 97–98 (7 U.S.C. 150ff, 164a and 2806); the Tariff
7 Act of 1930, Public Law 98–573 (19 U.S.C. 1431,
8 1433, 1434, and 1459); the Act of August 30, 1890,
9 26 Stat. 417, chapter 839 (21 U.S.C. 105 and 111);
10 section 91 of title 46, United States Code Appendix;
11 or the Immigration and Nationality Act, 66 Stat.
12 163 (8 U.S.C. 1221, 1222, and 1224–1228);

13 shall be fined under this title or—

14 “(i) imprisoned for not more than 5 years,
15 or both;

16 “(ii) imprisoned for not more than 10
17 years, or both, if bodily injury (as defined in
18 section 1365(g) of this title) results; or

19 “(iii) imprisoned for any term of years or
20 for life, or both, if death results, and may be
21 sentenced to death.

22 “(b) If two or more persons conspire to commit an
23 offense under subsection (a), and one or more of such per-
24 sons do any act to effect the object of the conspiracy, each

1 shall be punishable as a principal, except that the sentence
2 of death may not be imposed.”.

3 (b) CONFORMING AMENDMENT.—The table of sec-
4 tions for chapter 27 of title 18, United States Code, is
5 amended by inserting at the end:

“554. Violence while eluding inspection or during violation of arrival, reporting,
entry or clearance requirements.”.

6 (c) Section 111 of title 18, United States Code, is
7 amended by—

8 (1) redesignating subsection (b) as subsection
9 (c); and

10 (2) inserting after subsection (a) the following:

11 “(b) RECKLESS ENDANGERMENT.—Whoever know-
12 ingly disregards or disobeys the lawful authority or com-
13 mand of any officer or employee of the United States
14 charged with enforcing the immigration, customs or other
15 laws of the United States along any border of the United
16 States while engaged in or on account of the performance
17 of official duties, and thereby endangers the safety of any
18 person or property, shall be fined under this title or im-
19 prisoned for not more than six months, or both.”.

1 **CHAPTER 2—STRENGTHENING MARITIME**
2 **LAW ENFORCEMENT ALONG U.S. BOR-**
3 **DERS**

4 **SEC. 3021. SANCTIONS FOR FAILURE TO HEAVE TO, OB-**
5 **STRUCTING A LAWFUL BOARDING, AND PRO-**
6 **VIDING FALSE INFORMATION.**

7 (a) IN GENERAL.—Chapter 109 of title 18, United
8 States Code, is amended by adding at the end a new sec-
9 tion 2237 to read as follows:

10 **“§ 2237. Sanctions for failure to heave to; sanctions**
11 **for obstruction of boarding and providing**
12 **false information**

13 “(a)(1) It shall be unlawful for the master, operator,
14 or person in charge of a vessel of the United States or
15 a vessel subject to the jurisdiction of the United States,
16 to fail to obey an order to heave to that vessel on being
17 ordered to do so by an authorized Federal law enforcement
18 officer.

19 “(2) It shall be unlawful for any person on board a
20 vessel of the United States or a vessel subject to the juris-
21 diction of the United States knowingly or willfully to—

22 “(A) fail to comply with an order of an author-
23 ized Federal law enforcement officer in connection
24 with the boarding of the vessel;

1 “(B) impede or obstruct a boarding or arrest,
2 or other law enforcement action authorized by any
3 Federal law; or

4 “(C) provide false information to a Federal law
5 enforcement officer during a boarding of a vessel re-
6 garding the vessel’s destination, origin, ownership,
7 registration, nationality, cargo, or crew.

8 “(b) This section does not limit in any way the pre-
9 existing authority of a customs officer under section 581
10 of the Tariff Act of 1930 or any other provision of law
11 enforced or administered by the Customs Service, or the
12 preexisting authority of any Federal law enforcement offi-
13 cer under any law of the United States to order a vessel
14 to heave to.

15 “(c) A foreign nation may consent or waive objection
16 to the enforcement of United States law by the United
17 States under this section by international agreement or,
18 on a case by case basis, by radio, telephone, or similar
19 oral or electronic means. Consent or waiver may be proven
20 by certification of the Secretary of State or the Secretary’s
21 designee.

22 “(d) For purposes of this section—

23 “(1) ‘vessel of the United States’, and ‘vessel
24 subject to the jurisdiction of the United States’ have
25 the meaning set forth for these terms in the Mari-

1 time Drug Law Enforcement Act (46 App. U.S.C.
2 1903);

3 “(2) the term ‘heave to’ means to cause a vessel
4 to slow or come to a stop to facilitate a law enforce-
5 ment boarding by adjusting the course and speed of
6 the vessel to account for the weather conditions and
7 sea state; and

8 “(3) the term ‘Federal law enforcement officer’
9 has the meaning set forth in section 115 of this title.

10 “(e) Any person who intentionally violates the provi-
11 sions of this section shall be subject to be imprisoned for
12 not more than five years, fined as provided in this title,
13 or both.

14 “(f) A vessel that is used in violation of this section
15 may be seized and forfeited. The laws relating to the sei-
16 zure, summary and judicial forfeiture, and condemnation
17 of property for violation of the customs laws, the disposi-
18 tion of such property or the proceeds from the sale thereof,
19 the remission or mitigation of such forfeitures, and the
20 compromise of claims, shall apply to seizures and forfeit-
21 ures undertaken, or alleged to have been undertaken,
22 under any of the provisions of this section; except that
23 such duties as are imposed upon the customs officer or
24 any other person with respect to the seizure and forfeiture
25 of property under the customs laws shall be performed

1 with respect to seizures and forfeitures of property under
 2 this section by such officers, agents, or other persons as
 3 may be authorized or designated for that purpose. A vessel
 4 that is used in violation of this section is also liable in
 5 rem for any fine or civil penalty imposed under this sec-
 6 tion.”.

7 (b) CLERICAL AMENDMENT.—The chapter analysis
 8 for chapter 109 of title 18, United States Code, is amend-
 9 ed by inserting the following new item after the item for
 10 section 2236:

“2237. Sanctions for failure to heave to; sanctions for obstruction of boarding
 or providing false information.”.

11 **SEC. 3022. CIVIL PENALTIES TO SUPPORT MARITIME LAW**
 12 **ENFORCEMENT.**

13 (a) IN GENERAL.—Chapter 17 of title 14, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing new section:

16 **“§ 675. Civil penalty for failure to comply with a law-
 17 ful boarding, obstruction of boarding, or
 18 providing false information**

19 “(a) Any person who violates section 2237(a) of title
 20 18, United States Code, shall be liable for a civil penalty
 21 of not more than \$25,000.

22 “(b) A vessel used to violate an order relating to the
 23 boarding of a vessel issued under the authority of section
 24 2237 of title 18, United States Code, is also liable in rem

1 and may be seized, forfeited, and sold in accordance with
 2 Customs law, specifically section 1594 of title 19, United
 3 States Code.”.

4 (b) CLERICAL AMENDMENT.—The chapter analysis
 5 for chapter 17 of title 14, United States Code, is amended
 6 by adding at the end the following new item:

“675. Civil penalty for failure to comply with a lawful boarding, obstruction of
 boarding, or providing false information.”.

7 **SEC. 3023. CUSTOMS ORDERS.**

8 Section 581 of the Tariff Act of 1930 (19 U.S.C.
 9 1581) is amended by adding at the end the following new
 10 subsection:

11 “(i) As used in this section, the term ‘authorized
 12 place’ includes, with respect to a vessel or vehicle, a loca-
 13 tion in a foreign country at which United States customs
 14 officers are permitted to conduct inspections, examina-
 15 tions, or searches.”.

16 **CHAPTER 3—SMUGGLING OF CONTRA-**
 17 **BAND AND OTHER ILLEGAL PROD-**
 18 **UCTS**

19 **SEC. 3031. SMUGGLING CONTRABAND AND OTHER GOODS**
 20 **FROM THE UNITED STATES.**

21 (a) IN GENERAL.—Chapter 27 of title 18, United
 22 States Code, is amended by adding at the end following
 23 new section:

1 **“§ 556. Smuggling goods from the United States**

2 “Whoever fraudulently or knowingly exports or sends
3 from the United States, or attempts to export or send
4 from the United States, any merchandise, article or object
5 contrary to any law or regulation of the United States,
6 or receives, conceals, buys, sells, or in any manner facili-
7 tates the transportation, concealment, or sale of such mer-
8 chandise, article or object, prior to exportation, knowing
9 the same to be intended for exportation contrary to any
10 law or regulation of the United States, shall be fined
11 under this title or imprisoned not more than five years,
12 or both. The term ‘United States’ as used in this section
13 shall have the same meaning as that provided in section
14 545 of this title.”.

15 (b) Section 1956(c)(7)(D) of title 18, United States
16 Code, is amended by inserting before “section 641 (relat-
17 ing to public money, property, or records),” the following:
18 “section 556 (relating to smuggling goods from the United
19 States),”.

20 (c) CONFORMING AMENDMENT.—The chapter anal-
21 ysis for chapter 27 of title 18, United States Code, is
22 amended by adding at the end the following:

“556. Smuggling goods from the United States.”.

23 (d) Section 596 of the Tariff Act of 1930 (19 U.S.C.
24 1595a) is amended by adding the following new sub-
25 section:

1 “(d) Merchandise exported or sent from the United
2 States or attempted to be exported or sent from the
3 United States contrary to law, or the proceeds or value
4 thereof, and property used to facilitate the receipt, pur-
5 chase, transportation, concealment, or sale of such mer-
6 chandise prior to exportation shall be forfeited to the
7 United States.”.

8 **SEC. 3032. CONTROLLING ILLICIT LIQUOR TRAFFICKING.**

9 (a) IN GENERAL.—Title 18, United States Code, is
10 amended—

11 (1) in section 546, by—

12 (A) inserting “, or who owns, under the
13 laws of any State (as defined in section 245(d)
14 of this title) or of the United States any vehicle,
15 aircraft, conveyance or other mode of transpor-
16 tation and” after “vessel of the United States”;

17 (B) inserting “vehicle, aircraft, conveyance
18 or other mode of transportation” after the sec-
19 ond occurrence and all subsequent occurrences
20 of “vessel”; and

21 (C) striking “if under the laws of such for-
22 eign government any penalty or forfeiture is
23 provided for violation of the laws of the United
24 States respecting the customs revenue,”;

1 (2) in section 1261, by striking all that follows
2 the heading and inserting: “The Secretary of the
3 Treasury shall enforce the provisions of this chapter
4 and may prescribe such rules and regulations as he
5 deems necessary to carry out the provisions of this
6 chapter.”;

7 (3) in section 1956(c)(7)(D) by inserting before
8 “section 549 (relating to removing goods from Cus-
9 toms custody)” the following: “section 546 (relating
10 to smuggling goods into foreign countries),”; and

11 (4) by adding at the end of chapter 59 the fol-
12 lowing new section:

13 **“§ 1266. Trafficking in contraband liquor**

14 “(a) It shall be unlawful for any person to ship or
15 transport or attempt to ship or transport, or introduce or
16 attempt to introduce, more than 360 liters of distilled spir-
17 its from one State into another State or foreign country,
18 or receive or possess more than 360 liters of distilled spir-
19 its that have been transported in interstate or foreign
20 commerce in violation of State or Federal law.

21 “(b)(1) Whoever knowingly violates subsection (a)
22 shall be fined under this title or imprisoned not more than
23 5 years, or both; in the case of a violation involving more
24 than 15,000 liters of distilled spirits, such person shall be

1 fined under this title or imprisoned not more than 10
2 years, or both.

3 “(2) The Secretary of the Treasury shall seize and
4 forfeit, in accordance with section 9703(o) of title 31, any
5 conveyance, liquor, or monetary instrument (as defined in
6 section 5312 of title 31) involved in a violation of this sec-
7 tion or any property, real or personal, which constitutes
8 or is derived from proceeds traceable to a violation of this
9 section.

10 “(3) No property shall be forfeited under this section
11 to the extent of the interest of an owner or lien holder
12 by reason of any act or omission established by that owner
13 or lien holder to have been committed without the knowl-
14 edge of that owner or lien holder.

15 “(4) The court, in imposing sentence on a person con-
16 victed of violating this section, shall order that person to
17 forfeit to the United States any property described in
18 paragraph (2) involved in such violation. The seizure and
19 forfeiture of such property shall be governed by sub-
20 sections (b), (c) and (e) through (p) of section 413 of the
21 Comprehensive Drug Abuse Prevention and Control Act
22 of 1970 (21 U.S. C. 853 (b), (c), (e)–(p)).”.

23 “(c) Nothing in this chapter shall be construed to af-
24 fect the concurrent jurisdiction of a State to enact and
25 enforce liquor laws, to provide for the confiscation of liq-

1 uor and other property seized for violation of such laws,
2 and to provide for penalties for the violation of such laws.

3 “(d) For purposes of this section, ‘State’ includes a
4 State of the United States, the District of Columbia, and
5 a commonwealth, territory, or possession of the United
6 States.”.

7 (b) CONFORMING AMENDMENT.—The table of sec-
8 tions for chapter 59 of title 18, United States Code, is
9 amended by inserting at the end:

“1266. Trafficking in contraband liquor.”.

10 **SEC. 3033. CUSTOMS DUTIES.**

11 (a) IN GENERAL.—Section 542 of title 18, United
12 States Code, is amended—

13 (1) by inserting at the end of the title the fol-
14 lowing: “, theft, embezzlement, or misapplication of
15 duties”;

16 (2) by striking “—” at the end of the second
17 undesignated paragraph and inserting “; or”;

18 (3) by inserting the following after the second
19 undesignated paragraph:

20 “Whoever embezzles, steals, abstracts, purloins, will-
21 fully misapplies, willfully permits to be misapplied, or
22 wrongfully converts to his own use, or to the use of an-
23 other, moneys, funds, credits, assets, securities or other
24 property entrusted to his or her custody or care, or to the

1 custody or care of another for the purpose of paying any
2 lawful duties—”; and

3 (4) by striking “two years” and inserting “five
4 years”.

5 (b) CONFORMING AMENDMENT.—The table of sec-
6 tions for chapter 27 of title 18, United States Code, is
7 amended by striking “542. Entry of goods by means of
8 false statements.” and inserting the following:

“542. Entry of goods by means of false statements, theft, embezzlement, or
misapplication of duties.”.

9 **SEC. 3034. FALSE CERTIFICATIONS RELATING TO EXPORTS.**

10 (a) IN GENERAL.—Chapter 27 of title 18, United
11 States Code, is amended by adding at the end the fol-
12 lowing new section:

13 **“§ 555. False certifications relating to exports**

14 “Whoever knowingly transmits in interstate or for-
15 eign commerce any false or fraudulent certificate of origin,
16 invoice, declaration, affidavit, letter, paper, or statement,
17 whether written or otherwise, which represents explicitly
18 or implicitly that goods, wares, or merchandise to be ex-
19 ported qualify for purposes of any international trade
20 agreement to which the United States is a signatory shall
21 be fined under this title or imprisoned not more than five
22 years, or both.”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-
 2 ysis for chapter 27 of title 18, United States Code, is
 3 amended by inserting the following at the end:

“555. False certifications relating to exports.”.

4 **Subtitle C—Denying Safe Haven to**
 5 **International Criminals**

6 **CHAPTER 1—STRENGTHENING EXTRA-**
 7 **DITION TO ENSURE INTERNATIONAL**
 8 **CRIMINALS ARE BROUGHT TO JUS-**
 9 **TICE**

10 **SEC. 3041. EXTRADITION FOR OFFENSES NOT COVERED BY**
 11 **A LIST TREATY.**

12 Chapter 209 of title 18, United States Code, is
 13 amended by adding at the end a new section 3197 as fol-
 14 lows:

15 **“§ 3197. Extradition for offenses not covered by a list**
 16 **treaty**

17 “(a) Where a foreign government makes a request for
 18 the extradition of a person who is charged with or has
 19 been convicted of an offense within its jurisdiction, and
 20 there is an extradition treaty in force between the United
 21 States and the foreign government, but the treaty does
 22 not provide for extradition for the offense with which the
 23 person has been charged or for which the person has been
 24 convicted, the Attorney General may authorize the filing
 25 of a complaint for extradition as set forth in subsections

1 (b) and (c) below. Any such complaint shall be filed pursu-
2 ant to section 3184, and the procedures of sections 3184
3 and 3186 and the terms of the relevant extradition treaty
4 shall apply as if the offense were a ‘crime provided for
5 by such treaty’ as described in section 3184.

6 “(b) The Attorney General may authorize the filing
7 of such a complaint only upon a certification—

8 “(1) by the Attorney General, that in the judg-
9 ment of the Attorney General, the offense for which
10 extradition is sought is a serious offense as defined
11 in subsection (e), and submission of the extradition
12 request would be important to the law enforcement
13 interests of the United States or otherwise in the in-
14 terests of justice; and

15 “(2) by the Secretary of State, that in the judg-
16 ment of the Secretary of State, submission of the re-
17 quest would be consistent with the foreign policy in-
18 terests of the United States and the facts and cir-
19 cumstances then known do not appear likely to
20 present any significant impediment to the ultimate
21 surrender of the person if found extraditable.

22 Any decision or exercise of authority by the Attorney Gen-
23 eral or the Secretary of State pursuant to this subsection
24 is not subject to judicial review.

1 “(c) In cases of urgency, the Attorney General may,
2 with the concurrence of the Secretary of State and prior
3 to any formal certification under subsection (b), authorize
4 the filing of a complaint seeking the provisional arrest and
5 detention of the person sought prior to the receipt of docu-
6 ments or other proof in support of the request for extra-
7 dition. The provisions and requirements regarding provi-
8 sional arrest in the relevant treaty shall apply.

9 “(d) Before issuing a warrant of surrender under sec-
10 tions 3184 and 3186, the Secretary of State may impose
11 conditions upon the surrender of the person, and may re-
12 quire such assurances of compliance with those conditions,
13 as are deemed appropriate.

14 “(e) As used in this section, ‘serious offense’ means
15 conduct which is—

16 “(1) an offense described in any multilateral
17 treaty to which the United States is a party that ob-
18 ligates parties either to extradite alleged offenders
19 found in their territory or submit the case to their
20 competent authorities for prosecution; or

21 “(2) conduct which, if it occurred in the United
22 States, would constitute one or more of the following
23 offenses—

24 “(A) a crime of violence (as defined in sec-
25 tion 16 of this title),

1 “(B) the distribution, manufacture, impor-
2 tation or exportation of a controlled substance
3 (as defined in the Controlled Substances Act,
4 Public Law 91–513 (21 U.S.C. 802));

5 “(C) bribery of a public official; misappro-
6 priation, embezzlement or theft of public funds
7 by or for the benefit of a public official;

8 “(D) obstruction of justice, including pay-
9 ment of bribes to jurors or witnesses;

10 “(E) the laundering of monetary instru-
11 ments, as described in section 1956 of this title,
12 provided the value of the monetary instruments
13 involved is in excess of \$100,000;

14 “(F) fraud, theft, embezzlement, or com-
15 mercial bribery if the property which is the ob-
16 ject of the offense or offenses has a value in ex-
17 cess of \$100,000;

18 “(G) counterfeiting, if the obligations, se-
19 curities or other items counterfeited, have an
20 apparent value in excess of \$100,000;

21 “(H) a crime against children covered by
22 chapter 109A or 117 or section 2251, 2251A,
23 2252, 2252A, or 2260 of this title”; or

1 “(I) a conspiracy or attempt to commit
2 any of the foregoing offenses, or aiding and
3 abetting a person who commits such offenses.”.

4 **SEC. 3042. EXTRADITION ABSENT A TREATY.**

5 Chapter 209 of title 18, United States Code, is
6 amended by adding at the end a new section 3198 as fol-
7 lows:

8 **“§ 3198. Extradition absent a treaty**

9 “(a) Where a foreign government makes a request for
10 the extradition of a person who is charged with or has
11 been convicted of an offense within its jurisdiction, and
12 there is no extradition treaty in force between the United
13 States and the foreign government, the Attorney General
14 may authorize the filing of a complaint for extradition as
15 set forth in subsections (b) and (c). Any such complaint
16 shall be filed pursuant to section 3184 and all procedures
17 of sections 3184 and 3186 shall be followed as if the of-
18 fense were a ‘crime provided for by such treaty’ as de-
19 scribed in section 3184.

20 “(b) The Attorney General may authorize the filing
21 of such a complaint only upon a certification—

22 “(1) by the Attorney General, that in the judg-
23 ment of the Attorney General, the offense for which
24 extradition is sought is a serious offense as defined
25 in subsection (h), and submission of the extradition

1 request would be important to the law enforcement
2 interests of the United States or otherwise in the in-
3 terests of justice; and

4 “(2) by the Secretary of State, that in the judg-
5 ment of the Secretary of State, based on information
6 then known—

7 “(A) submission of the request would be
8 consistent with the foreign policy interests of
9 the United States;

10 “(B) the facts and circumstances of the re-
11 quest, including humanitarian considerations,
12 do not appear likely to present a significant im-
13 pediment to the ultimate surrender of the per-
14 son if found extraditable; and

15 “(C) the country submitting the request
16 does not appear to be doing so in order to try
17 or punish the person sought based primarily on
18 the person’s race, religion, nationality, or polit-
19 ical opinions.

20 The authorities and responsibilities of the Attorney
21 General set forth in this subsection may be dele-
22 gated only to the Deputy Attorney General. The au-
23 thorities and responsibilities of the Secretary of
24 State set forth in this subsection may be delegated
25 only to the Deputy Secretary of State. The authori-

1 ties and responsibilities set forth in this subsection
2 are not subject to judicial review.

3 “(c) In cases of urgency, the Attorney General may,
4 with the concurrence of the Secretary of State and prior
5 to any formal certification under subsection (b), authorize
6 the filing of a complaint seeking the provisional arrest and
7 detention of the person sought prior to the receipt of docu-
8 ments or other proof in support of the request for extra-
9 dition. The complaint shall be filed in the same manner
10 as provided in section 3184, and upon such complaint, the
11 judicial officer may issue an order for the provisional ar-
12 rest and detention of the person. The judicial officer may
13 order that a person detained pursuant to this subsection
14 be released from custody if within forty-five days of the
15 arrest the formal request for extradition and documents
16 in support of it are not received by the Department of
17 State.

18 “(d) Upon the filing of a complaint for extradition
19 and receipt of documents or other proof in support of the
20 foreign government’s request for extradition, the judicial
21 officer shall hold a hearing to determine whether the per-
22 son is extraditable. The judicial officer shall find a person
23 extraditable if the officer finds:

1 “(1) probable cause to believe that the person
2 before the judicial officer is the person sought in the
3 foreign state;

4 “(2) probable cause to believe that the person
5 before the judicial officer committed the offense for
6 which such person is sought, or was duly convicted
7 of that offense in the requesting state; and

8 “(3) that the conduct upon which the request
9 for extradition is based, if it occurred within the
10 United States, would be a serious offense, as defined
11 in subsection (i), punishable by imprisonment for
12 more than ten years under the laws of the United
13 States, the laws of the majority of the States in the
14 United States, or the laws in the State in which the
15 fugitive is found; and

16 “(4) no defense to extradition under subsection
17 (e) has been established.

18 “(e) The judicial officer shall not find the person ex-
19 traditible if the person has established that the offense
20 for which extradition is sought either is an offense for
21 which the person is being proceeded against, or has been
22 tried or punished, in the United States, or is a political
23 offense. For purposes of this section a political offense
24 does not include—

1 “(1) a murder or other violent crime against
2 the person of a Head of State of a foreign state, or
3 of a member of the Head of State’s family;

4 “(2) an offense for which both the United
5 States and the requesting state have the obligation
6 pursuant to a multilateral international agreement
7 to extradite the person sought or to submit the case
8 to their competent authorities for decision as to
9 prosecution; or

10 “(3) a conspiracy or attempt to commit any of
11 the foregoing offenses, or aiding or abetting a per-
12 son who commits or attempts to commit such of-
13 fenses.

14 “(f) Issues regarding humanitarian concerns, the na-
15 ture of the judicial system of the requesting state, and
16 whether the foreign state is seeking extradition of a person
17 for the purpose of prosecuting or punishing the person be-
18 cause of such person’s race, religion, nationality or polit-
19 ical opinions shall not be considered by the judicial officer
20 at the hearing, but rather shall be reserved for consider-
21 ation exclusively by the Secretary of State. Notwith-
22 standing the certification required under subsection
23 (b)(2), the Secretary of State may, within his or her sole
24 discretion, consider such issues again in determining

1 whether or pursuant to what conditions to surrender the
2 person under sections 3184 and 3186.

3 “(g) The Secretary of State may impose conditions
4 upon the surrender of the person, and may require such
5 assurances of compliance with those conditions, as are
6 deemed appropriate. In addition, the Secretary shall de-
7 mand, as a condition of the person’s extradition—

8 “(1) in every case, an assurance the Secretary
9 deems satisfactory that the person shall not be tried
10 or punished for an offense other than that for which
11 the person has been extradited or be extradited to
12 a third state or to an international tribunal, absent
13 the consent of the United States; provided, however,
14 that this subparagraph shall not apply if the person
15 has left the territory of the foreign country after ex-
16 tradition and voluntarily returned to it or has not
17 left the territory of the foreign country within ten
18 days of being free to do so; and

19 “(2) in a case in which the offense for which
20 extradition is sought is punishable by death in the
21 requesting state and is not so punishable under the
22 applicable laws in the United States, an assurance
23 the Secretary deems satisfactory that the death pen-
24 alty shall not be imposed, or if imposed, shall not be
25 carried out.

1 “(h) As used in this section, ‘serious offense’ means
2 conduct which is—

3 “(1) an offense described in any multilateral
4 treaty to which the United States is a party that ob-
5 ligates parties either to extradite alleged offenders
6 found in their territory or submit the case to their
7 competent authorities for prosecution; or

8 “(2) conduct which, if it occurred in the United
9 States, would constitute one or more of the following
10 offenses—

11 “(A) a crime of violence (as defined in sec-
12 tion 16 of this title),

13 “(B) the distribution, manufacture, impor-
14 tation or exportation of a controlled substance
15 (as defined in section 802 of title 21);

16 “(C) bribery of a public official; misappro-
17 priation, embezzlement or theft of public funds
18 by or for the benefit of a public official;

19 “(D) obstruction of justice, including pay-
20 ment of bribes to jurors or witnesses;

21 “(E) the laundering of monetary instru-
22 ments, as described in section 1956 of this title,
23 provided the value of the monetary instruments
24 involved is in excess of \$100,000;

1 “(F) fraud, theft, embezzlement, or com-
2 mercial bribery if the property which is the ob-
3 ject of the offense or offenses has a value in ex-
4 cess of \$100,000;

5 “(G) counterfeiting, if the obligations, se-
6 curities or other items counterfeited, have an
7 apparent value in excess of \$100,000;

8 “(H) a conspiracy or attempt to commit
9 any of the foregoing offenses, or aiding and
10 abetting a person who commits such offenses;”
11 or

12 “(I) a crime against children covered by
13 chapter 109A or 117 or section 2251, 2251A,
14 2252, 2252A, or 2260 of this title.”.

15 **SEC. 3043. TECHNICAL AND CONFORMING AMENDMENTS.**

16 (a) Section 3181(a) of title 18, United States Code,
17 is amended by inserting “, other than section 3197 and
18 section 3198,” after “The provisions of this chapter”.

19 (b) Section 3184 of title 18, United States Code, is
20 amended:

21 (1) by striking “under section 3181(b)” the
22 first time it appears and inserting in lieu thereof
23 “under section 3181(b) or section 3198” ;

24 (2) by striking “under section 3181(b)” second
25 time it appears and inserting in lieu thereof “under

1 section 3181(b), section 3197, or section 3198” ;
2 and

3 (3) by striking “under section 3181(b)” the
4 third time it appears and inserting in lieu thereof
5 “under section 3181(b) or section 3198”.

6 (c) The table of sections for chapter 209 of title 18,
7 United States Code, is amended by inserting at the end:

“3197. Extradition for offenses not covered by a list treaty.

“3198. Extradition absent a treaty.”.

8 **CHAPTER 2—STRENGTHENING IMMIGRA-**
9 **TION LAWS TO EXCLUDE INTER-**
10 **NATIONAL CRIMINALS FROM THE**
11 **UNITED STATES**

12 **SEC. 3051. EXCLUSION OF PERSONS FLEEING PROSECU-**
13 **TION IN OTHER COUNTRIES.**

14 (a) Section 212(a)(2) of the Immigration and Nation-
15 ality Act (8 U.S.C. 1182(a)(2)) is amended by adding the
16 following new subparagraph:

17 “(H) UNLAWFUL FLIGHT TO AVOID PROS-
18 ECUTION.—Any alien who is coming to the
19 United States solely, principally, or incidentally
20 to avoid lawful prosecution in a foreign country
21 for a crime involving moral turpitude (other
22 than a purely political offense) is inadmis-
23 sible.”.

1 (b) Section 241(b) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1231(b)) is amended by adding the
3 following new paragraph:

4 “(4) ALIENS SOUGHT FOR PROSECUTION.—
5 Notwithstanding paragraphs (1) and (2) of this sub-
6 section, any alien who is found removable under sec-
7 tion 212(a)(2)(H) (or section 212(a)(2)(H) as ap-
8 plied pursuant to section 237(a)(1)(A)), shall be re-
9 moved to the country seeking his or her prosecution
10 unless, in the discretion of the Attorney General,
11 such removal is determined to be impracticable, in-
12 advisable, or impossible. In such case, removal shall
13 be directed according to paragraphs (1) and (2) of
14 this subsection.”.

15 **SEC. 3052. EXCLUSION OF PERSONS INVOLVED IN RACKET-**
16 **EEING AND ARMS TRAFFICKING.**

17 (a) Section 212 of the Immigration and Nationality
18 Act of 1952, as amended (8 U.S.C. 1182), is amended
19 in subsection (a)(2)—

20 (1) by redesignating subparagraphs (D), (E)
21 and (F) as subparagraphs (F), (G) and (I), respec-
22 tively; and

23 (2) by inserting after subparagraph (C) new
24 subparagraphs (D) and (E) to read as follows:

1 “(D) RACKETEERING ACTIVITIES.—Any
2 alien who the consular officer or the Attorney
3 General knows or has reason to believe—

4 “(i) is or has been engaged in activi-
5 ties which if engaged in within the United
6 States would constitute ‘pattern of racket-
7 eering activity’ as defined in 18 U.S.C.
8 § 1961(l) and (5), or has been a knowing
9 assister, abettor, conspirator, or colluder
10 with others in any such illicit activity; or

11 “(ii) is the spouse, son or daughter of
12 an alien inadmissible under clause (i), has,
13 within the previous five years, obtained any
14 financial or other benefit from such illicit
15 activity of that alien, and knew or reason-
16 ably should have known that the financial
17 or other benefit was the product of such il-
18 licit activity, is inadmissible.

19 “(E) TRAFFICKING IN FIREARMS, NU-
20 CLEAR OR EXPLOSIVE MATERIALS, OR CHEM-
21 ICAL OR BIOLOGICAL WEAPONS.—Any alien who
22 the consular officer or the Attorney General
23 knows or has reason to believe—

24 “(i) is or has been engaged in illicit
25 trafficking of firearms (as defined in sec-

1 tion 921 of title 18, United States Code),
2 nuclear materials (as defined in section
3 831 of title 18, United States Code), explo-
4 sive materials (as defined in section 841 of
5 title 18, United States Code), or chemical
6 weapons (as defined in section 229F of
7 title 18, United States Code), or biological
8 weapons; or has been a knowing assister,
9 abettor, conspirator, or colluder with oth-
10 ers in such illicit activity; or

11 “(ii) is the spouse, son or daughter of
12 an alien inadmissible under clause (i), has,
13 within the previous five years, obtained any
14 financial or other benefit from such illicit
15 activity of that alien, and knew or reason-
16 ably should have known that the financial
17 or other benefit was the product of such il-
18 licit activity,

19 is inadmissible.”.

20 (b) Section 212(h) of the Immigration and Nation-
21 ality Act of 1952, as amended (8 U.S.C. 1182), is amend-
22 ed, in the matter preceding paragraph (1), as follows:

23 (1) strike “The Attorney General” through “of
24 subsection (a)(2)” ; and

1 to enter or try to enter any other country
 2 and who knew or reasonably should have
 3 known that such entry or attempted entry
 4 was likely to be in furtherance of the entry
 5 or attempted entry by such alien into the
 6 United States in violation of law,
 7 is inadmissible.”;

8 (2) in subsection (a)(6)(E)(ii), by inserting be-
 9 fore the period at the end of the last sentence: “or
 10 to enter any other country in furtherance of any
 11 entry or attempted entry into the United States in
 12 violation of law”; and

13 (3) in subsection (d)(11), by inserting before
 14 the period at the end of the last sentence: “or to
 15 enter any other country in furtherance of an entry
 16 or attempted entry into the United States in viola-
 17 tion of law”.

18 **CHAPTER 3—ADDITIONAL TOOLS TO**
 19 **DENY SAFE HAVEN TO INTER-**
 20 **NATIONAL CRIMINALS**

21 **SEC. 3061. TEMPORARY TRANSFER OF PERSONS IN CUS-**
 22 **TODY FOR PROSECUTION.**

23 (a) IN GENERAL.—Chapter 306 of title 18, United
 24 States Code, is amended by adding at the end the fol-
 25 lowing new section:

1 **“§ 4116. Temporary transfer for prosecution**

2 “(a) When a person is in pretrial detention or is oth-
3 erwise being held in custody in a foreign country based
4 upon a violation of the law in that foreign country, and
5 that person is found extraditable to the United States by
6 the competent authorities of that foreign country while
7 still in such pretrial detention or custody, the Attorney
8 General shall have the authority to request the temporary
9 transfer of that person to the United States in order to
10 face prosecution in a State or Federal criminal proceeding,
11 to maintain the custody of such person while the person
12 is in the United States, and to return such person to the
13 foreign country at the conclusion of the criminal prosecu-
14 tion, including any imposition of sentence. The Attorney
15 General shall make such a request only if she determines,
16 based upon the facts and circumstances then know, and
17 after consultation with the Secretary of State, that the
18 return of such person to the foreign country in question
19 would be consistent with United States international obli-
20 gations. Any decision, or exercise of authority by the At-
21 torney General under this subsection is not subject to judi-
22 cial review.

23 “(b) When a person is in pretrial detention or is oth-
24 erwise being held in custody in the United States based
25 upon a violation of State or Federal law, and that person
26 is found extraditable to a foreign country while still in

1 such pretrial detention or custody pursuant to the provi-
2 sions of section 3184 and the Secretary of State has deter-
3 mined that the person should be surrendered pursuant to
4 section 3186, the Attorney General shall have the author-
5 ity to temporarily transfer that person to that foreign
6 country in order to face prosecution, to transport such
7 person from the United States in custody, and to return
8 such person in custody to the United States from the for-
9 eign country. When the person is being held in custody
10 for a violation of State law, the Attorney General may ex-
11 ercise the authority described in this paragraph if the ap-
12 propriate State authorities give their consent. Any deci-
13 sion, or exercise of authority by the Attorney General
14 under this subsection is not subject to judicial review.
15 With regard to persons in pretrial detention, temporary
16 transfer under this section results in an interruption in
17 their pretrial detention status, and the right to challenge
18 the conditions of confinement pursuant to section 3142(f)
19 does not extend to the right to challenge the conditions
20 of confinement in a foreign country while there tempo-
21 rarily pursuant to this section.

22 “(c) The Attorney General may exercise the authority
23 described in paragraphs (a) and (b) absent a prior finding
24 that the person in custody is extraditable, if the person,

1 any appropriate State authorities in a case under para-
2 graph (b), and the foreign country give their consent.

3 “(d) Where the temporary transfer to or from the
4 United States of a person in custody for the purpose of
5 prosecution is provided for by this section, that person
6 shall be returned to the United States or to the foreign
7 country from which the person is transferred on comple-
8 tion of the proceedings upon which the transfer was based.
9 In no event shall the return of such person require extra-
10 dition proceedings or proceedings under the immigration
11 laws. In addition, notwithstanding any other provision of
12 law, a person temporarily transferred to the United States
13 pursuant to this section shall not be entitled to apply for
14 or obtain any right or remedy under the Immigration and
15 Nationality Act of 1952, as amended, including the right
16 to apply for or be granted asylum or withholding of depor-
17 tation.

18 “(e) For purposes of this section, ‘State’ includes a
19 State of the United States, the District of Columbia, and
20 a commonwealth, territory, or possession of the United
21 States.”.

22 (b) CONFORMING AMENDMENT.—The chapter anal-
23 ysis for chapter 306 of title 18, United States Code, is
24 amended by inserting the following at the end:

“4116. Temporary transfer for prosecution.”.

1 **SEC. 3062. TRANSFER OF PRISONERS TO SERVE SEN-**
2 **TENCES IN COUNTRY OF ORIGIN.**

3 Section 4108 of title 18, United States code, is
4 amended—

5 (1) in subsection (a), by striking “in the coun-
6 try in which the sentence was imposed”; and

7 (2) by adding at the end a new subsection (f)
8 as follows:

9 “(f) Consent verification proceedings may be con-
10 ducted by wire or electronic communication with the con-
11 sent of the offender and the Attorney General.”.

12 **SEC. 3063. TRANSIT OF FUGITIVES FOR PROSECUTION IN**
13 **FOREIGN COUNTRIES.**

14 (a) IN GENERAL.—Chapter 305 of title 18, United
15 States Code, is amended by adding at the end the fol-
16 lowing new section:

17 **“§ 4087. Transit through the United States of persons**
18 **wanted in a foreign country**

19 “The Attorney General may, in consultation with the
20 Secretary of State, permit the temporary transit through
21 the United States of a person wanted for prosecution or
22 imposition of sentence in a foreign country. A determina-
23 tion by the Attorney General to permit or not to permit
24 such temporary transit is not subject to judicial review.
25 When such permission is granted, Federal law enforce-
26 ment personnel may hold the person in custody during

1 such person’s transit of the United States. Notwith-
 2 standing any other provision of law, persons who transit
 3 the United States pursuant to this section shall be re-
 4 quired to have only such documents as the Attorney Gen-
 5 eral shall determine, shall not be considered to be admitted
 6 or paroled into the United States, and shall not be entitled
 7 to apply for or obtain any right or remedy under the Im-
 8 migration and Nationality Act of 1952, as amended, in-
 9 cluding the right to apply for or be granted asylum or
 10 withholding of deportation.”.

11 (b) CONFORMING AMENDMENT.—The chapter anal-
 12 ysis for chapter 305 of title 18, United States Code, is
 13 amended by inserting the following at the end:

“4087. Transit through the United States of persons wanted in a foreign coun-
 try.”.

14 **Subtitle D—Seizing and Forfeiting**
 15 **the Assets of International**
 16 **Criminals**

17 **SEC. 3071. BORDER SEARCH AUTHORITY FOR CERTAIN**
 18 **CONTRABAND.**

19 (a) Title 19, United States Code, is amended by add-
 20 ing the following new section 1583:

21 **“§ 1583. Examination of outbound mail**

22 “(a) For the purposes of ensuring compliance with
 23 the Customs laws and the laws enforced by the United
 24 States Customs Service, including but not limited to sec-

1 tion 5316 of title 31 (Bank Secrecy Act), sections 1461,
2 1463, 1465, and 1466 and chapter 110 of title 18 (relat-
3 ing to obscenity and child pornography), section 953 of
4 title 21 (drug smuggling), sections 2401–20 of title 50 Ap-
5 pendix (Export Administration Act of 1979), section 2778
6 of title 22 (Arms Export Control Act), and sections 1701
7 et. seq. of title 50 (International Emergency Economic
8 Powers Act), a Customs officer may stop and search sub-
9 ject to the provisions of this section, at the border and
10 without a search warrant, mail of domestic origin trans-
11 mitted for export by the United States Postal Service.

12 “(b) Mail not sealed against inspection under the
13 postal laws and regulations of the United States, mail
14 which bears a customs declaration, or mail with respect
15 to which the sender or addressee has consented in writing
16 to search, may be searched by a Customs officer.

17 “(c) Mail sealed against inspection under the postal
18 laws and regulations of the United States may be searched
19 by a Customs officer, subject to subsections (d) and (e),
20 upon reasonable cause to suspect that such mail contains
21 monetary instruments (as defined in section 1956 of title
22 18); a weapon of mass destruction (as defined in section
23 2332a of title 18); a drug or other substance listed in
24 schedule I, II, III, or IV in section 912 of title 21; national
25 defense and related information transmitted in violation

1 of 18 U.S.C. 793 to 798; any merchandise mailed in viola-
2 tion of sections 1715 or 1716 of title 18; merchandise
3 mailed in violation of chapters 71 (obscenity) or 110 (child
4 pornography) of title 18; merchandise mailed in violation
5 of sections 2401 to 2420 of title 50 Appendix (Export Ad-
6 ministration Act of 1979); merchandise mailed in violation
7 of section 2778 of title 22 (Arms Export Control Act);
8 merchandise mailed in violation of section 1701 et seq.
9 of title 50 (International Emergency Economic Powers
10 Act); or merchandise mailed in violation of section I et
11 seq. of title 50 Appendix (Trading With The Enemy Act).

12 “(d) No person acting under authority of this section
13 shall read, or authorize any other person to read, any cor-
14 respondence contained in mail sealed against inspection
15 unless prior to reading,

16 “(1) A search warrant has been issued pursu-
17 ant to rule 41, Federal Rules of Criminal Procedure,
18 or

19 “(2) The sender or addressee has given written
20 authorization.

21 “(e) The procedures for the search of mail sealed
22 against inspection pursuant to this section shall be deter-
23 mined in and governed by a written agreement which shall
24 be entered into between the Department of the Treasury
25 and the United States Postal Service and shall provide,

1 among other matters, for the presence of employees of
2 each agency, including a Customs officer, at any search
3 of such mail, at the locations at which mail will be
4 searched, and for avoiding any undue delay in the move-
5 ment of such mail.”.

6 (b) CONFORMING AMENDMENT.—Section 3623 (d) of
7 title 39, United States Code, is amended to read as fol-
8 lows:

9 “(d) The Postal Service shall maintain one or more
10 classes of mail for the transmission of letters sealed
11 against inspection. The rate of each such class shall be
12 uniform through the United States, its territories, and
13 possessions. One such class shall provide for the most ex-
14 peditious handling and transportation afforded mail mat-
15 ter by the Postal Service. No letter of such a class of do-
16 mestic origin shall be opened except under authority of
17 a search warrant authorized by law, or by an officer or
18 employee of the Postal Service for the sole purpose of de-
19 termining an address at which the letter can be delivered,
20 or pursuant to the authorization of the addressee, or pur-
21 suant to Section 1583 of title 19.”.

1 **SEC. 3072. FORFEITURE OF PROPERTY USED TO VIOLATE**
2 **FEDERAL EXPLOSIVES LAWS.**

3 (a) Section 981(a)(1) of title 18, United States Code,
4 is amended by adding at the end the following new sub-
5 paragraph:

6 “(J) Any conveyance, chemicals, laboratory
7 equipment, or other material, article, apparatus,
8 device or thing made, possessed, fitted, used or
9 intended to be used to commit a violation of 18
10 U.S.C. 842 (a)(1), (a)(3), (b), (c), (d), (h), (i),
11 (l), (m), and (n), and 844 (d) through (m), or
12 a conspiracy to commit any such offense, and
13 any property traceable to such property.”.

14 (b) Section 982(a) of title 18, United States Code,
15 is amended by adding at the end the following new para-
16 graph:

17 “(12) The court, in imposing sentence on a per-
18 son convicted of an offense punishable under chapter
19 40 (relating to explosives), or a conspiracy to com-
20 mit such an offense, shall order the person to forfeit
21 to the United States any conveyance, chemicals, lab-
22 oratory equipment, or other material, article, appa-
23 ratus, device or thing made, possessed, fitted, used
24 or intended to be used to commit such offense, and
25 any property traceable to such property.”.

1 **SEC. 3073. ADMINISTRATIVE SUMMONS AUTHORITY UNDER**
2 **THE BANK SECRECY ACT.**

3 Section 5318(b)(1) of title 31, United States Code,
4 is amended to read as follows:

5 “(1) SCOPE OF POWER.—The Secretary of the
6 Treasury may take any action described in para-
7 graph (3) or (4) of subsection (a), (i) for the pur-
8 pose of determining compliance with the rules of this
9 subchapter or any regulations issued hereunder, or
10 (ii) for the purpose of civil enforcement of violations
11 of this subchapter, section 21 of the Federal Deposit
12 Insurance Act, section 411 of the National Housing
13 Act, or chapter 2 of Public Law 91–508 (12 U.S.C.
14 1951 et seq.) or any regulations under any such pro-
15 vision.”.

16 **SEC. 3074. EXEMPTING FINANCIAL ENFORCEMENT DATA**
17 **FROM UNNECESSARY DISCLOSURE.**

18 (a) Section 203 of the International Emergency Pow-
19 ers Act (50 U.S.C. 1702(a)), is amended—

20 (1) by redesignating paragraph (3) as para-
21 graph (4); and

22 (2) by inserting after paragraph (2) the fol-
23 lowing new paragraph:

24 “(3) EXEMPTIONS FROM DISCLOSURE.—Infor-
25 mation obtained under this title before or after the
26 enactment of this section may be withheld only to

1 the extent permitted by statute, except that informa-
2 tion submitted, obtained, or considered in connection
3 with any transaction prohibited under this title, in-
4 cluding license applications, licenses or other author-
5 izations, information or evidence obtained in the
6 course of any investigation, and information ob-
7 tained or furnished under this title in connection
8 with international agreements, treaties, or obliga-
9 tions shall be withheld from public disclosure, and
10 shall not be subject to disclosure under section 552
11 of title 5, United States Code, unless the release of
12 such information is determined by the President to
13 be in the national interest.”.

14 (b) Section 5(b) of the Trading with the Enemy Act
15 (50 U.S.C. App. 5(b)) is amended—

16 (1) by redesignating paragraphs (2), (3) and
17 (4) as paragraphs (3), (4) and (5); and

18 (2) by inserting after paragraph (1) the fol-
19 lowing new paragraph:

20 “(2) EXEMPTIONS FROM DISCLOSURE.—Infor-
21 mation obtained under this title before or after the
22 enactment of this section may be withheld only to
23 the extent permitted by statute, except that informa-
24 tion submitted, obtained, or considered in connection
25 with any transaction prohibited under this title, in-

1 including license applications, licenses or other author-
2 izations, information or evidence obtained in the
3 course of any investigation, and information ob-
4 tained or furnished under this title in connection
5 with international agreements, treaties, or obliga-
6 tions shall be withheld from public disclosure, and
7 shall not be subject to disclosure under section 552
8 of title 5, United States Code, unless the release of
9 such information is determined by the President to
10 be in the national interest.”.

11 **SEC. 3075. CIVIL PENALTIES UNDER THE INTERNATIONAL**
12 **EMERGENCY ECONOMIC POWERS ACT.**

13 (a) INCREASED CIVIL PENALTY.—Section 206(a) of
14 the International Emergency Economic Powers Act (50
15 U.S.C. 1705(a)) is amended by striking “\$10,000” and
16 inserting “\$50,000”.

17 **SEC. 3076. ATTEMPTED VIOLATIONS OF THE TRADING WITH**
18 **THE ENEMY ACT.**

19 Section 16 of the Trading with the Enemy Act (50
20 U.S.C. APP. 16) is amended—

21 (1) by inserting in subsection (a) “or attempt
22 to violate” after “violate” each time it appears; and

23 (2) by inserting in subsection (b)(1) “or at-
24 tempts to violate” after “violates”.

1 **Subtitle E—Responding to Emerg-**
2 **ing International Crime Threats**

3 **SEC. 3081. JURISDICTION OVER CERTAIN FINANCIAL**
4 **CRIMES COMMITTED ABROAD.**

5 Section 1029 of title 18, United States Code, is
6 amended by adding at the end a new paragraph (g) as
7 follows:

8 “(g) Any person who, outside the jurisdiction of the
9 United States, engages in any act which, if committed
10 within the jurisdiction of the United States, would con-
11 stitute an offense under subsection (a) or (b) of this sec-
12 tion, shall be subject to the same penalties as if that of-
13 fense had been committed in the United States, if the
14 act—

15 “(1) involves an access device issued, owned,
16 managed or controlled by a financial institution, ac-
17 count issuer, credit card system member, or other
18 entity within the jurisdiction of the United States;
19 and

20 “(2) causes, or if completed would have caused,
21 a transfer of funds from or a loss to an entity listed
22 in paragraph (1).”.

1 **SEC. 3082. AMENDMENT TO THE COMPUTER FRAUD AND**
2 **ABUSE ACT.**

3 Section 1030 of title 18, United States Code, is
4 amended in subsection (d) by—

5 (1) striking “subsections (a)(2)(A), (a)(2)(B),
6 (a)(3), (a)(4), (a)(5), and (a)(6) of”; and

7 (2) striking “which shall be entered into” and
8 inserting “between” in lieu thereof.

9 **Subtitle F—Promoting Global Co-**
10 **operation in the Fight Against**
11 **International Crime**

12 **SEC. 3101. STREAMLINED PROCEDURES FOR EXECUTION**
13 **OF MUTUAL LEGAL ASSISTANCE REQUESTS.**

14 (a) IN GENERAL.—Chapter 117 of title 28, United
15 States Code, is amended by adding at the end the fol-
16 lowing new section:

17 **“§ 1790. Assistance to foreign authorities**

18 “(a) The Attorney General may present a request
19 made by a foreign government for assistance with respect
20 to a foreign investigation, prosecution, or proceeding re-
21 garding a criminal matter pursuant to a treaty, conven-
22 tion, or executive agreement for mutual legal assistance
23 between the United States and that government or in ac-
24 cordance with section 1782, the execution of which re-
25 quires or appears to require the use of compulsory meas-

1 ures in more than one judicial district, to a judge or judge
2 magistrate of—

3 “(1) any one of the districts in which persons
4 who may be required to appear to testify or produce
5 evidence or information reside or are found, or in
6 which evidence or information to be produced is lo-
7 cated; or

8 “(2) the United States District Court for the
9 District of Columbia.

10 A judge or judge magistrate to whom a request for assist-
11 ance is presented shall have the authority to issue such
12 orders as appear to be necessary to execute the request
13 including, but not limited to, orders appointing a person
14 to direct the taking of testimony or statements and the
15 production of evidence or information, of whatever nature
16 and in whatever form, in execution of the request.

17 “(b) A person appointed shall have the power to—

18 “(1) issue orders for the taking of testimony or
19 statements and the production of evidence or infor-
20 mation, which orders may be served at any place
21 within the United States;

22 “(2) administer any necessary oath; and

23 “(3) take testimony or statements and receive
24 evidence and information.

1 “(c) A person ordered pursuant to subparagraph
2 (b)(i) to appear outside the district in which that person
3 resides or is found may, within 10 days of receipt of such
4 order—

5 “(1) file with the judge or judge magistrate who
6 authorized execution of the request a motion to ap-
7 pear in the district in which that person resides or
8 is found or in which the evidence or information is
9 located; or

10 “(2) provide written notice, requesting appear-
11 ance in the district in which the person resides or
12 is found or in which the evidence or information is
13 located, to the person issuing the order to appear,
14 who shall advise the judge or judge magistrate au-
15 thorizing execution.

16 “(d) The judge or judge magistrate may transfer the
17 request, or that portion requiring the person’s appearance,
18 to the other district if—

19 “(1) the inconvenience to the person is substan-
20 tial; and

21 “(2) the transfer is unlikely to adversely affect
22 the effective or timely execution of the request or a
23 portion thereof.

1 Upon transfer, the judge or judge magistrate to whom the
 2 request or a portion thereof is transferred shall complete
 3 its execution in accordance with paragraphs (a) and (b).”.

4 (b) CONFORMING AMENDMENT.—The chapter anal-
 5 ysis for chapter 117 of title 28, United States Code, is
 6 amended by inserting the following at the end:

“1790. Assistance to foreign authorities.”.

7 **SEC. 3102. TEMPORARY TRANSFER OF INCARCERATED WIT-**
 8 **NESSES.**

9 Section 3508 of title 18, United States Code, is
 10 amended—

11 (1) by amending the title to read as follows:

12 **“Temporary transfer of witnesses in cus-**
 13 **tody”**; and

14 (2) by striking all that follows paragraph (a)
 15 and inserting the following:

16 “(b) When the testimony of a person who is serving
 17 a sentence, in pretrial detention, or otherwise being held
 18 in custody in the United States, is needed in a foreign
 19 criminal proceeding, the Attorney General shall have the
 20 authority to temporarily transfer that person to the for-
 21 eign country for the purpose of giving such testimony, to
 22 transport such person from the United States in custody,
 23 to make appropriate arrangements for custody for such
 24 person while outside the United States, and to return such
 25 person in custody to the United States from the foreign

1 country. When the person is being held in custody for a
2 violation of State law, the Attorney General may exercise
3 the authority described in this paragraph if the appro-
4 priate State authorities give their consent.

5 “(c) Where the transfer to or from the United States
6 of a person in custody for the purpose of giving testimony
7 is provided for by treaty or convention, by this section,
8 or both, that person shall be returned to the United
9 States, or to the foreign country from which the person
10 is transferred. In no event shall the return of such person
11 require any request for extradition or extradition pro-
12 ceedings, or require that a person be subject to deporta-
13 tion or exclusion proceedings under the laws of either
14 country.

15 “(d) Where there is an international agreement be-
16 tween the United States and the foreign country in which
17 the witness is being held in custody or to which the witness
18 will be transferred from the United States, and which pro-
19 vides for the transfer, custody and return of such wit-
20 nesses, the terms and conditions of that international
21 agreement shall apply. Where there is no such inter-
22 national agreement, the Attorney General may exercise the
23 authority described in paragraphs (a) and (b) if both the
24 foreign country and the witness give their consent.

1 “(e) Notwithstanding any other provision of law, per-
2 sons held in custody in a foreign country who are trans-
3 ferred to the United States pursuant to this section for
4 the purpose of giving testimony shall not thereby or for
5 so long as they are present in the United States pursuant
6 to such transfer be entitled to apply for or obtain any right
7 or remedy under the Immigration and Nationality Act of
8 1952, as amended, including the right to apply for or be
9 granted asylum or withholding of deportation or any right
10 to remain in the United States under any other law. Per-
11 sons so transferred may be summarily removed from the
12 United States upon order by the Attorney General. Noth-
13 ing in this section shall be construed to create any sub-
14 stantive or procedural right or benefit to remain in the
15 United States that is legally enforceable in a court of law
16 of the United States or of a State by any party against
17 the United States or its agencies or officers.

18 “(f) The Attorney General shall not take any action
19 under this section to transfer or return a person to a for-
20 eign country unless the Attorney General determines, after
21 consultation with the Secretary of State, that such trans-
22 fer or return would be consistent with United States inter-
23 national obligations. A determination by the Attorney
24 General under this subsection shall not be subject to judi-
25 cial review by any court.”.

1 (2) by inserting the following new subparagraph
2 (K) immediately following subparagraph (J) as des-
3 ignated by this section:

4 “(K) at the discretion of the Attorney Gen-
5 eral, payments to return forfeited property re-
6 patriated to the United States by a foreign gov-
7 ernment or others acting at the direction of a
8 foreign government, and interest earned on
9 such property, subject to the following condi-
10 tions:

11 “(i) a final foreign judgment entered
12 against a foreign government or those act-
13 ing at its direction, which foreign judgment
14 was based on the measures, such as sei-
15 zure and repatriation of property, that re-
16 sulted in deposit of the funds into the
17 Fund;

18 “(ii) such foreign judgment was en-
19 tered and presented to the Attorney Gen-
20 eral within five years of the date that the
21 property was repatriated to the United
22 States;

23 “(iii) the foreign government or those
24 acting at its direction vigorously defended
25 its actions under its own laws; and

1 “(iv) the amount of the disbursement
2 does not exceed the amount of funds de-
3 posited to the Fund, plus interest earned
4 on such funds pursuant to section
5 524(c)(5), less any awards and equitable
6 shares paid by the Fund to the foreign
7 government or those acting at its direction
8 in connection with a particular case.”; and

9 (3) by striking “and” at the end of subpara-
10 graph (H).

11 **Subtitle G—Streamlining the Inves-**
12 **tigation and Prosecution of**
13 **International Crimes in U.S.**
14 **Courts**

15 **SEC. 3111. REIMBURSEMENT OF STATE AND LOCAL LAW**
16 **ENFORCEMENT AGENCIES IN INTER-**
17 **NATIONAL CRIME CASES.**

18 The Attorney General is authorized to obligate, as
19 necessary expenses, from any appropriate appropriation
20 account available to the Department of Justice in fiscal
21 year 2001 and thereafter, the cost of reimbursement to
22 state, local or tribal law enforcement agencies for trans-
23 lation services and related expenses, including transpor-
24 tation expenses, in cases involving extradition or requests
25 for mutual legal assistance from foreign countries.

1 **SEC. 3112. SAFE CONDUCT FOR FOREIGN WITNESSES TES-**
2 **TIFYING IN U.S. COURTS.**

3 (a) IN GENERAL.—Chapter 305 of title 18 of the
4 United States Code is amended by adding at the end the
5 following new section:

6 **“§ 4088. Safe conduct for witnesses temporarily in the**
7 **United States**

8 “(a) The Attorney General may determine that when
9 a person located outside the United States is requested
10 by a Magistrate judge or Federal law enforcement officer
11 to appear and provide testimony or answer questions in
12 the United States in connection with any state or Federal
13 criminal matter, the person shall not be subject to service
14 of process, or be detained or subjected to any restriction
15 of personal liberty, by reason of any acts or convictions
16 which preceded the person’s departure from the foreign
17 jurisdiction.

18 “(b) The Attorney General may specify in any grant
19 of safe conduct the appropriate duration and conditions
20 thereof. Absent contrary direction by the Attorney Gen-
21 eral, the safe conduct provided for by this section shall
22 cease seven days after—

23 “(1) the person completes their testimony or
24 their answers to the questions;

25 “(2) the requesting Magistrate judge or Federal
26 law enforcement officer has notified either the per-

1 son or the appropriate authorities in the foreign ju-
2 risdiction that the person's presence in the United
3 States is no longer required; or

4 “(3) when the person leaves the United States;
5 whichever occurs first.

6 “(c) Absent contrary direction by the Attorney Gen-
7 eral, persons granted safe conduct—

8 “(1) shall not be entitled to apply for or obtain
9 any right or remedy under the Immigration and Na-
10 tionality Act of 1952, as amended, for so long as
11 they are present in the United States pursuant to
12 such grants; and

13 “(2) may be summarily removed from the
14 United States at the expiration of the safe conduct
15 period upon order of the Attorney General, and such
16 orders shall not be subject to administrative or judi-
17 cial review.

18 “(d) A determination by the Attorney General to
19 grant, deny, or condition safe conduct under this section
20 is not subject to judicial review.

21 “(e) To the extent the provisions of an applicable mu-
22 tual legal assistance treaty are inconsistent with this sec-
23 tion, the treaty provisions shall apply.

24 “(f) For purposes of this section, the term—

1 “(1) ‘Magistrate judge’ has the meaning pre-
2 scribed in rule 54 of the Federal Rules of Criminal
3 Procedure;

4 “(2) ‘Federal law enforcement officer’ has the
5 meaning prescribed in section 115 of this title: and

6 “(3) ‘state’ means a state of the United States,
7 the District of Columbia, and any commonwealth,
8 territory, or possession of the United States.”.

9 (b) CONFORMING AMENDMENT.—The chapter anal-
10 ysis for Chapter 305 of title 18, United States Code, is
11 amended by inserting the following at the end:

 “4088. Safe conduct for witnesses temporarily in the United States.”.

12 **SEC. 3113. PROHIBITING FUGITIVES FROM BENEFITTING**
13 **FROM TIME SERVED ABROAD.**

14 Section 3585 of title 18, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(c) EXCLUSION FOR TIME SERVED ABROAD.—Not-
18 withstanding subsection (b), a defendant shall receive no
19 credit for any time spent in official detention in a foreign
20 country where—

21 “(1) the defendant fled from, or remained out-
22 side of, the United States to avoid prosecution or
23 imprisonment;

1 “(2) the United States officially requested the
2 defendant’s return to the United States for prosecu-
3 tion or imprisonment; and

4 “(3) the defendant is in custody in the foreign
5 country pending surrender to the United States for
6 prosecution or imprisonment.”.

7 **SEC. 3114. SUSPENSION OF STATUTE OF LIMITATIONS FOR**
8 **COLLECTION OF EVIDENCE LOCATED**
9 **ABROAD.**

10 Section 3292(b) of title 18, United States Code, is
11 amended to read as follows:

12 “(b) Except as provided in subsection (c) of this sec-
13 tion, a period of suspension under this section shall begin
14 on the date on which the official request is made and end
15 on the date on which the foreign court or authority, having
16 taken final action on the request, the decision or results
17 are delivered to the requesting United States authority.”.

18 **SEC. 3115. CLARIFICATION OF DISCRETIONARY NATURE OF**
19 **PAYMENTS TO INFORMANTS.**

20 Subparagraph (a)(2)(B) of section 619 of the Tariff
21 Act of 1930, as amended (19 U.S.C. 1619), is further
22 amended by inserting “in the sole discretion of the Sec-
23 retary or his designee,” after the semicolon.

1 **SEC. 3116. ENHANCED TOOLS TO INVESTIGATE ILLICIT**
2 **ARMS TRAFFICKING.**

3 (a) Section 40(h) of the Arms Export Control Act
4 (22 U.S.C. 2780(h)) is amended to read, as follows:

5 “(h) EXEMPTIONS FOR TRANSACTIONS SUBJECT TO
6 NATIONAL SECURITY ACT REPORTING REQUIREMENTS
7 OR ARISING OUT OF A CRIMINAL INVESTIGATION.—The
8 prohibitions contained in this section do not apply with
9 respect to any transaction—

10 “(1) subject to reporting requirements under
11 Title V of the National Security Act of 1947 (50
12 U.S.C., et seq.); or

13 “(2) arising out of an investigation by a federal
14 law enforcement agency concerning possible criminal
15 violations of United States law.”.

16 **Subtitle H—Terrorism**

17 **SEC. 3121. EXPANSION OF THE BIOLOGICAL WEAPONS**
18 **STATUTE.**

19 (a)(1) FINDINGS.—The Congress finds that—

20 (A) certain biological agents and toxins have
21 the potential to pose a severe threat to the nation’s
22 public health and safety, and thereby affect inter-
23 state and foreign commerce;

24 (B) the Secretary of Health and Human Serv-
25 ices has published a list of biological agents and tox-
26 ins that pose a severe threat to the nation’s public

1 health and safety as an appendix to part 72 of title
2 42 of the Code of Federal Regulations;

3 (C) biological agents and toxins can be used as
4 weapons by individuals or organizations for the pur-
5 pose of domestic or international terrorism or for
6 other criminal purposes;

7 (D) terrorists and other criminals can also
8 harm national security, drain the limited resources
9 of all levels of government devoted to thwarting bio-
10 logical weapons, and damage interstate and foreign
11 commerce by threatening to use, and by falsely re-
12 porting efforts to use, biological agents and toxins as
13 weapons;

14 (E) the Biological Weapons Convention requires
15 the United States to take necessary measures within
16 the United States to prohibit and prevent the devel-
17 opment, production, stockpiling, acquisition or reten-
18 tion of biological agents and toxins of types and in
19 quantities that have no justification for prophylactic,
20 protective or other peaceful purposes;

21 (F) the mere possession of biological agents and
22 toxins is a potential danger which impacts our obli-
23 gations under the Biological Weapons Convention
24 and affects interstate and foreign commerce; and

1 (G) persons in possession of harmful biological
2 agents and toxins should handle them in a safe man-
3 ner and, in the case of agents and toxins listed by
4 the Department of Health and Human Services as
5 posing a severe threat to the nation's public health
6 and safety, report their possession and the purpose
7 for their possession to the appropriate federal agen-
8 cy in order to ensure that such possession is for
9 peaceful scientific research or development.

10 (2) PURPOSES.—The purposes of this section are
11 to—

12 (A) strengthen our implementation of the Bio-
13 logical Weapons Convention and to ensure that bio-
14 logical agents and toxins are possessed for only
15 peaceful purposes;

16 (B) establish penalties for the false reporting of
17 violations of the biological weapons statute (18
18 U.S.C. 175–178);

19 (C) improve the statutory definitions relating to
20 biological weapons; and

21 (D) provide a death penalty for violations of
22 section 175(a) of title 18, United States Code, where
23 death results from the offense.

1 (b)(1) ADDITIONAL MEASURES.—Section 175 of title
2 18, United States Code, is amended by adding the fol-
3 lowing at the end:

4 “(c) ADDITIONAL PROHIBITIONS RELATING TO BIO-
5 LOGICAL AGENTS, TOXINS, AND DELIVERY SYSTEMS.—

6 “(1) UNLAWFUL POSSESSION.—Whoever know-
7 ingly possesses any biological agent, toxin, or deliv-
8 ery system of a type or in a quantity that, under the
9 circumstances, is not reasonably justified by a pro-
10 phylactic, protective or other peaceful purpose, shall
11 be fined under this title, imprisoned not more than
12 10 years, or both. Knowledge of whether the type or
13 quantity of any biological agent, toxin, or delivery
14 system is reasonably justified by a peaceful purpose
15 is not an element of the offense. For purposes of
16 this paragraph, the terms ‘biological agent’ and
17 ‘toxin’ do not encompass any biological agent or
18 toxin that is in its naturally occurring environment,
19 provided that such agent or toxin has not been cul-
20 tivated, or collected or otherwise extracted from its
21 natural source.

22 “(2) UNSAFE HANDLING.—

23 “(A) IN GENERAL.—Whoever, with con-
24 scious disregard of an unreasonable risk to pub-
25 lic health and safety, handles an item knowing

1 it to be a biological agent, toxin, or delivery sys-
2 tem in a manner which grossly deviates from
3 accepted norms, shall be fined under this title,
4 imprisoned for not more than one year, or both.

5 “(B) AGGRAVATED OFFENSE.—Whoever in
6 the course of a violation of subparagraph (A)
7 causes bodily injury (as defined in section
8 1365(g)(4) of this title) to any individual (other
9 than the perpetrator) shall be fined under this
10 title or imprisoned not more than 10 years, or
11 both; and, if death results from the offense,
12 shall be fined under this title or imprisoned for
13 any term of years or for life, or both fined and
14 imprisoned.

15 “(d) FALSE INFORMATION.—

16 “(1) CRIMINAL VIOLATION.—Whoever commu-
17 nicates information, knowing the information to be
18 false and under circumstances in which such infor-
19 mation may reasonably be believed, concerning the
20 existence of activity which would constitute a viola-
21 tion of subsection (a) or (c) shall be fined under this
22 title or imprisoned not more than five years, or both.

23 “(2) CIVIL PENALTY.—Whoever communicates
24 information, knowing the information to be false,
25 concerning the existence of activity which would con-

1 stitute a violation of subsection (a) or (c) is liable
2 to the United States Government for a civil penalty
3 of the greater of \$10,000 or the amount of money
4 expended by the United States Government in re-
5 sponding to the false information.

6 “(e) REPORTING, TRANSFER AND POSSESSION OF
7 SELECT AGENTS.—

8 “(1) OBLIGATION TO REPORT.—Any person
9 who possesses a select agent shall report such pos-
10 session to the designated agency, in the manner pre-
11 scribed by the designated agency, within 72 hours of
12 the effective date of the regulation issued by that
13 agency pursuant to this paragraph or within 72
14 hours of subsequently obtaining possession of the
15 agent or toxin; provided that, if such person is a
16 registered entity, the reporting, if any, shall be in
17 the manner as otherwise directed by regulation by
18 the designated agency. If a person complies with this
19 provision, there is no obligation for any employee of
20 such person to file a separate report concerning the
21 employee’s possession of a select agent in the work-
22 place of such person.

23 “(2) CRIMINAL PENALTY FOR WILLFUL FAIL-
24 URE TO REPORT.—Any person who willfully fails to
25 make the report required by subsection (e)(1) within

1 the prescribed period shall be fined under this title,
2 imprisoned for not more than 3 years, or both. As
3 used in this paragraph, the term ‘willfully’ means an
4 intentional violation of a known duty to report.

5 “(3) CIVIL PENALTY FOR FAILURE TO RE-
6 PORT.—Any person who fails to make the report re-
7 quired by subsection (e)(1) within the prescribed pe-
8 riod is liable to the United States Government for a
9 civil penalty of \$5,000.

10 “(4) PENALTY FOR POSSESSION OF UNRE-
11 PORTED SELECT AGENTS.—Any person who know-
12 ingly possesses a biological agent or toxin where
13 such agent or toxin is a select agent for which a re-
14 port required by subsection (e)(1) has not been
15 made shall be fined under this title, imprisoned for
16 not more than one year, or both.

17 “(5) UNAUTHORIZED TRANSFER OF SELECT
18 AGENTS.—Whoever knowingly transfers a select
19 agent to any person who is not a registered entity
20 shall be fined under this title or imprisoned not
21 more than five years, or both. For purposes of this
22 paragraph, the term ‘transfers’ does not encompass
23 the transfer of a select agent within the workplace
24 between employees of the same registered entity, or
25 between employees of any person who has filed the

1 report required by paragraph (1), if the transfer is
2 authorized by such entity or person.

3 “(6) POSSESSION OF SELECT AGENTS BY RE-
4 STRICTED INDIVIDUALS.—

5 “(A) PROHIBITION ON POSSESSION.—Ex-
6 cept as otherwise provided in this section or in
7 section 3121(b)(3)(G) of the 21st Century Law
8 Enforcement and Public Safety Act, no re-
9 stricted individual shall knowingly possess or
10 attempt to possess any biological agent or toxin
11 where that biological agent or toxin is a select
12 agent.

13 “(B) PENALTY.—Any individual who vio-
14 lates subparagraph (A) shall be fined under this
15 title or imprisoned for not more than five years,
16 or both.

17 “(C) EMPLOYERS OF INDIVIDUALS WHO
18 POSSESS SELECT AGENTS.—Employers of indi-
19 viduals who will possess select agents in the
20 course of their employment shall require such
21 individuals, prior to being given access to select
22 agents, to complete a form in which the indi-
23 vidual affirms or denies the existence of each of
24 the restrictions set forth in paragraph (8) of
25 section 178 of this title. In the case of individ-

1 uals already employed at the time of the enact-
2 ment of this provision who possess select agents
3 in the course of their employment, employers
4 shall, within 90 days of enactment of this provi-
5 sion, require those individuals to complete such
6 a form. Such form shall be retained by the em-
7 ployer for at least five years after the individual
8 terminates his employment with that employer.

9 “(D) EMPLOYEES.—

10 “(i) Whoever wilfully and knowingly
11 falsifies or conceals a material fact or
12 makes any materially false, fictitious, or
13 fraudulent statement or representation in
14 completing the form required under sub-
15 paragraph (C) shall be fined under this
16 title or imprisoned not more than 5 years
17 or both.

18 “(ii) The prohibition of subparagraph
19 (A) does not apply to possession by a re-
20 stricted individual of a select agent in the
21 workplace of his employer if the basis for
22 the prohibition relates solely to subpara-
23 graphs (A) or (B)(i) of paragraph (8) of
24 section 178 of this title and a determina-
25 tion is made to waive the prohibition in ac-

1 cordance with the rules and procedures es-
2 tablished pursuant to subsection (f).

3 “(iii) The prohibition of subparagraph
4 A does not apply to possession by a re-
5 stricted individual of a select agent in the
6 workplace of his employer if the basis for
7 the prohibition relates solely to subpara-
8 graphs (B)(ii) or (G) of paragraph (8) of
9 section 178 of this title and is more than
10 five years old (not counting time served
11 while in custody), and a determination is
12 made to waive the prohibition in accord-
13 ance with the rules and procedures estab-
14 lished pursuant to subsection (f).

15 “(iv) For the purposes of this sub-
16 paragraph, the term ‘employer’ means any
17 person who is a registered entity or has
18 filed the report required by section
19 175(e)(1) of this title and employs a re-
20 stricted individual.

21 “(E) CERTAIN NON-PERMANENT RESIDENT
22 ALIENS.—The prohibition of subparagraph (A)
23 does not apply to possession by a restricted in-
24 dividual of a select agent if the basis for the
25 prohibition relates solely to subparagraph (F)

1 of paragraph (8) of section 178 of this title,
2 and the restricted individual has received a
3 waiver from the agency designated to carry out
4 the functions of this subparagraph. The des-
5 ignated agency may issue a waiver if it deter-
6 mines, in consultation with the Attorney Gen-
7 eral, that a waiver is in the public interest.

8 “(f) WAIVERS OF RESTRICTIONS ON POSSESSION OF
9 SELECT AGENTS IN COURSE OF EMPLOYMENT.—The
10 agency designated to carry out this subsection, after con-
11 sultation with appropriate agencies, with representatives
12 of the scientific and medical community, and with other
13 appropriate public and private entities and organizations
14 (including consultation concerning employment practices
15 in working with select agents), shall establish the rules
16 and procedures governing waivers of the provisions of sub-
17 section (e)(6)(A) with respect to possession of select
18 agents by restricted individuals in the course of employ-
19 ment. Such rules and procedures shall address, among
20 other matters as found appropriate by the designated
21 agency, whether (or the circumstances under or the extent
22 to which) the determination to grant a waiver shall be re-
23 served to the Government, or may be made by the em-
24 ployer (either with or without consultation with the Gov-
25 ernment).

1 “(g) REIMBURSEMENT OF COSTS.—

2 “(1) CONVICTED DEFENDANT.—

3 “(A) SUBSECTION (a), (c), OR (e).—The
4 court shall order any person convicted of an of-
5 fense under subsection (a), (c) or (e) to reim-
6 burse the United States for any expenses in-
7 curred by the United States incident to the sei-
8 zure, storage, handling, transportation, and de-
9 struction or other disposal of any property that
10 was seized in connection with an investigation
11 of the commission of such offense by that per-
12 son.

13 “(B) SUBSECTION (d)(1).—The court shall
14 order any person convicted of an offense under
15 subsection (d)(1) to reimburse the United
16 States for any expenses incurred by the United
17 States incident to the investigation of the com-
18 mission by that person of such offense, includ-
19 ing the cost of any response made by any fed-
20 eral military or civilian agency to protect public
21 health or safety.

22 “(2) OWNER LIABILITY.—The owner or pos-
23 sessor of any property seized and forfeited under
24 this chapter shall be liable to the United States for
25 any expenses incurred incident to the seizure and

1 forfeiture, including any expenses relating to the
2 handling, storage, transportation, and destruction or
3 other disposition of the seized and forfeited property.

4 “(3) JOINTLY AND SEVERALLY LIABLE.—A
5 person ordered to reimburse the United States for
6 expenses under this chapter shall be jointly and sev-
7 erally liable for such expenses with each other per-
8 son, if any, who is ordered under this subsection to
9 reimburse the United States for the same ex-
10 penses.”.

11 (2) TECHNICAL CLARIFICATION.—

12 (A) Section 176(a)(1)(A) of title 18, United
13 States Code, is amended by striking “exists by rea-
14 son of” and inserting “pertains to”.

15 (B) Section 175(a) of title 18, United States
16 Code, is amended by striking “section” and inserting
17 “subsection”.

18 (3)(A) DESIGNATION OF RESPONSIBLE AGENCIES.—
19 Within 60 days of the date of enactment of this Act, the
20 President shall designate—

21 (i) the agency responsible for prescribing the
22 regulation required by section 175(e)(1) of title 18,
23 United States Code;

1 (ii) the agency responsible for granting the
2 waivers under the provisions of section 175(e)(6)(E)
3 of title 18, United States Code; and

4 (iii) the agency responsible for implementing
5 the waiver provisions of section 175(f) of title 18,
6 United States Code.

7 (B) REGULATIONS.—The agencies designated pursu-
8 ant to subparagraph (A)—

9 (i) shall issue proposed rules not later than 90
10 days after the date of the President’s designation;
11 and

12 (ii) shall issue final rules not later than 270
13 days after the date of the enactment of this Act.

14 (C) INSPECTIONS.—The agency designated pursuant
15 to subparagraph (A)(i) may inspect the facilities of any
16 person who files a report required by section 175(e)(1)
17 of title 18, United States Code, to determine whether the
18 person is handling the select agent in a safe manner,
19 whether he is holding such agent for a peaceful purpose,
20 and whether the type and quantity being held are reason-
21 able for that purpose. Any agency designated pursuant to
22 paragraph (3)(A) may inspect any form required by sub-
23 paragraph (C) and any documentation relating to a deter-
24 mination made pursuant to subparagraph (D) of section
25 175(e)(6) of title 18, United States Code.

1 (D) FREEDOM OF INFORMATION ACT EXEMPTION.—
2 Any information provided to the Secretary of Health and
3 Human Services pursuant to regulations issued under sec-
4 tion 511(f) of the Antiterrorism and Effective Death Pen-
5 alty Act of 1996 (42 CFR 72.6) or to the designated agen-
6 cy under section 175(e)(1) of title 18, United States Code,
7 shall not be disclosed under section 552(a) of title 5,
8 United States Code, except that the Secretary or the des-
9 ignated agency may use and disclose such information to
10 protect the public health, and shall also disclose any such
11 relevant information to the Attorney General for use in
12 any investigation or other proceeding to enforce any law
13 relating to select agents or any other law. Any such infor-
14 mation shall be made available to any committee or sub-
15 committee of Congress with appropriate jurisdiction upon
16 the written request of the chairman or ranking minority
17 member of such committee or subcommittee, except that
18 no such committee or subcommittee, and no member and
19 no staff member of such committee or subcommittee, shall
20 disclose such information except as otherwise required or
21 authorized by law.

22 (E) CLARIFICATION OF THE SCOPE OF THE SELECT
23 AGENT RULE.—Section 511 of the Antiterrorism and Ef-
24 fective Death Penalty Act of 1996 (Public Law 104–132)
25 is amended by—

1 (i) in subsections (a), (d), (e), inserting—

2 (I) “and toxins” after “agents” each time
3 it appears; and

4 (II) “or toxin” after “agent” each time it
5 appears; and

6 (ii) in subsection (g)(1), striking “the term ‘bio-
7 logical agent’ has” and inserting “the terms ‘biologi-
8 cal agent’ and ‘toxin’ have”.

9 (F) EFFECTIVE DATES.—

10 (i) The effective date for paragraph (D) shall
11 be the same as the effective date for the final rule
12 issued pursuant to section 511(d)(1) of the
13 Antiterrorism and Effective Death Penalty Act of
14 1996 (Public Law 104–132).

15 (ii) The effective date for the changes made by
16 paragraph (E) shall be as if they had been included
17 in the enactment of section 511 of the Antiterrorism
18 and Effective Death Penalty Act of 1996 (Public
19 Law 104–132).

20 (G) TRANSITIONAL EXEMPTIONS.—

21 (i) The prohibition created by section
22 175(e)(6)(A) of title 18, United States Code, shall
23 not apply to the possession of a select agent in the
24 workplace of an employer (as defined in section
25 175(e)(6)(D)(iv) of title 18, United States Code) by

1 a restricted individual as defined in section
2 178(8)(A), (B), or (G) of title 18, United States
3 Code, until the effective date of the regulations
4 issued to implement section 175(f) of title 18,
5 United States Code, or 270 days after the enact-
6 ment of this section (section 3121), whichever comes
7 first.

8 (ii) The prohibition created by section
9 175(e)(6)(A) of title 18, United States Code, shall
10 not apply to the possession of a select agent by a re-
11 stricted individual as defined in section 178(8)(F) of
12 title 18, United States Code, until the effective date
13 of the regulations issued to implement section
14 175(e)(6)(E) of title 18, United States Code, or 270
15 days after the enactment of this section (section
16 3121), whichever comes first.

17 (c)(1) DEFINITIONAL AMENDMENTS TO 18 U.S.C.
18 178.—Section 178 of title 18, United States Code, is
19 amended by—

20 (A) in paragraph (1), striking “means any
21 microorganism, virus, or infectious substance, or bio-
22 logical product that may be engineered as a result
23 of biotechnology, or any naturally occurring or bio-
24 engineered component of any such microorganism,
25 virus, infectious substance, or biological product”

1 and inserting the following: “means any microorga-
2 nism (including, but not limited to, bacteria, viruses,
3 fungi, rickettsiae or protozoa), or infectious sub-
4 stance, or any naturally occurring, bioengineered or
5 synthesized component of any such microorganism
6 or infectious substance”;

7 (B) in paragraph (2), striking “means the toxic
8 material of plants, animals, microorganisms, viruses,
9 fungi, or infectious substances, or a recombinant
10 molecule, whatever its origin or method of produc-
11 tion, including” and inserting the following: “means
12 the toxic material or product of plants, animals,
13 microorganisms (including, but not limited to, bac-
14 teria, viruses, fungi, rickettsiae or protozoa), or in-
15 fectionous substances, or a recombinant or synthesized
16 molecule, whatever their origin and method of pro-
17 duction, and includes”;

18 (C) in paragraph (4), striking “recombinant
19 molecule, or biological product that may be engi-
20 neered as a result of biotechnology” and inserting
21 “recombinant or synthesized molecule”; and

22 (D)(i) striking the “and” at the end of para-
23 graph (4);

24 (ii) striking the period at the end of paragraph
25 (5) and inserting “; and”; and

1 (iii) inserting at the end the following new
2 paragraphs:

3 “(6) the term ‘select agent’ means a biological
4 agent or toxin that is on the list established by the
5 Secretary of Health and Human Services pursuant
6 to section 511(d)(1) of the Antiterrorism and Effective
7 Death Penalty Act of 1996 (Public Law 104–
8 132) (a “select agent” defined in 42 CFR 72.6(j)
9 which is not exempted under 42 CFR 72.6(h) or ap-
10 pendix A to part 72); provided, the term does not
11 include any such biological agent or toxin that is in
12 its naturally occurring environment if the biological
13 agent or toxin has not been cultivated, collected or
14 otherwise extracted from its natural source;

15 “(7) the term ‘registered entity’ means a reg-
16 istered facility, or a certified laboratory exempted
17 from registration, pursuant to the regulations pro-
18 mulgated by the Secretary of Health and Human
19 Services under section 511(f) of the Antiterrorism
20 and Effective Death Penalty Act of 1996 (42 CFR
21 72.6(a), 72.6(h));

22 “(8) the term ‘restricted individual’ means an
23 individual who—

1 “(A) is under indictment for a crime pun-
2 ishable by imprisonment for a term exceeding
3 one year;

4 “(B) has been convicted in any court of a
5 crime—

6 “(i) punishable by imprisonment for a
7 term exceeding one year but not more than
8 five years; or

9 “(ii) punishable by imprisonment for
10 a term exceeding five years;

11 “(C) is a fugitive from justice;

12 “(D) is an unlawful user of any controlled
13 substance (as defined in section 102 of the Con-
14 trolled Substances Act (21 U.S.C. 802));

15 “(E) is an alien illegally or unlawfully in
16 the United States;

17 “(F) is an alien (other than an alien law-
18 fully admitted for permanent residence) who is
19 a national of a country as to which the Sec-
20 retary of State, pursuant to section 6(j) of the
21 Export Administration Act, as amended (50
22 U.S.C. App. 6(j)) (or its successor law), section
23 620A of chapter 1 of part III of the Foreign
24 Assistance Act of 1961, as amended (22 U.S.C.
25 2371), or section 40(d) of chapter 3 of the

1 Arms Export Control Act, as amended (22
2 U.S.C. 2780(d)), has made a determination,
3 which remains in effect, that such country sup-
4 ports international terrorism; or

5 “(G) has been discharged from the Armed
6 Forces of the United States under dishonorable
7 conditions;

8 “(9) the term ‘alien’ has the same meaning as
9 in section 101(a)(3) of the Immigration and Nation-
10 ality Act (8 U.S.C. 1101(a)(3));

11 “(10) the term ‘lawfully admitted for perma-
12 nent residence’ has the same meaning as in section
13 101(a)(20) of the Immigration and Nationality Act
14 (8 U.S.C. 1101(a)(20)); and

15 “(11) the term ‘designated agency’ means—

16 “(A) except as provided in subparagraphs
17 (B) and (C), the agency designated by the
18 President under subsection (b)(3)(A)(i) of sec-
19 tion 3121 of the 21st Century Law Enforce-
20 ment and Public Safety Act”;

21 “(B) for purposes of section 175(e)(6)(E)
22 of this title, the agency designated by the Presi-
23 dent under subsection (b)(3)(A)(ii) of such sec-
24 tion 3121; and

1 “(C) for purposes of section 175(f) of this
2 title, the agency designated by the President
3 under subsection (b)(3)(A)(iii) of such section
4 3121.”.

5 (2) DEFINITIONAL AMENDMENTS TO 18 U.S.C.
6 2332a.—Section 2332a of title 18, United States Code,
7 is amended by—

8 (A) in subsection (a), striking “, including any
9 biological agent, toxin, or vector (as those terms are
10 defined in section 178)”; and

11 (B) in subparagraph (c)(2)(C), striking “a dis-
12 ease organism” and inserting “any biological agent,
13 toxin, or vector (as those terms are defined in sec-
14 tion 178 of this title)”.

15 (d) DEATH PENALTY.—Section 175(a) of title 18,
16 United States Code, is amended by adding at the end
17 thereof: “If death results from a violation of this sub-
18 section, then the individual shall be guilty of an aggra-
19 vated offense and shall be fined under this title or impris-
20 oned for life or any term of years, or both, or sentenced
21 to death.”.

1 **SEC. 3122. RAIL AND MASS TRANSPORTATION ANTI-TER-**
2 **RORISM AND VIOLENCE.**

3 (a) TITLE.—This section may be cited as the “Rail
4 and Mass Transportation Anti-Terrorism and Violence
5 Prevention Act of 2000”.

6 (b) PURPOSE.—The purpose of this Act is to protect
7 the passengers and employees of railroad carriers and
8 mass transportation systems, and the movement of freight
9 by railroad, from terrorist attacks and other acts of vio-
10 lence.

11 (c) AMENDMENTS TO THE “WRECKING TRAINS”
12 STATUTE.— Section 1992 of title 18, United States Code,
13 is amended to read as follows:

14 **“SEC. 1992. TERRORIST ATTACKS AND OTHER ACTS OF VIO-**
15 **LENCE AGAINST RAILROAD CARRIERS.**

16 “(a) GENERAL PROHIBITIONS.— Whoever willfully—
17 “(1) wrecks, derails, sets fire to, or disables any
18 train, locomotive, motor unit, or freight or passenger
19 car used, operated, or employed by a railroad car-
20 rier;

21 “(2) brings, carries, possesses, places or causes
22 to be placed any biological agent or toxin for use as
23 a weapon, destructive substance, or destructive de-
24 vice in, upon, or near any train, locomotive, motor
25 unit, or freight or passenger car used, operated, or
26 employed by a railroad carrier, without previously

1 obtaining the permission of the carrier, and with in-
2 tent to endanger the safety of any passenger or em-
3 ployee of the carrier, or with a reckless disregard for
4 the safety of human life;

5 “(3) sets fire to, or places any biological agent
6 or toxin for use as a weapon, destructive substance,
7 or destructive device in, upon or near, or undermines
8 any tunnel, bridge, viaduct, trestle, track, signal,
9 station, depot, warehouse, terminal, or any other
10 way, structure, property, or appurtenance used in
11 the operation of, or in support of the operation of,
12 a railroad carrier, or otherwise makes any such tun-
13 nel, bridge, viaduct, trestle, track, station, depot,
14 warehouse, terminal, or any other way, structure,
15 property, or appurtenance unworkable or unusable
16 or hazardous to work or use, without previously ob-
17 taining the permission of the carrier, and knowing
18 or having reason to know such activity would likely
19 derail, disable, or wreck a train, locomotive, motor
20 unit, or freight or passenger car used, operated, or
21 employed by a railroad carrier;

22 “(4) removes appurtenances from, damages, or
23 otherwise impairs the operation of any railroad sig-
24 nal system, including a train control system, central-
25 ized dispatching system, or highway-railroad grade

1 crossing warning signal on a railroad line used, op-
2 erated, or employed by a railroad carrier;

3 “(5) interferes with, disables or incapacitates
4 any dispatcher, locomotive engineer, conductor, or
5 other person while they are employed in dispatching,
6 operating or maintaining a train, locomotive, motor
7 unit, or freight or passenger car used, operated, or
8 employed by a railroad carrier, with intent to endan-
9 ger the safety of any passenger or employee of the
10 carrier, or with a reckless disregard for the safety of
11 human life;

12 “(6) commits an act, including the use of a
13 dangerous weapon, with the intent to cause death or
14 serious bodily injury to an employee or passenger of
15 a railroad carrier or any other person while any of
16 the foregoing are on the property of a railroad car-
17 rier;

18 “(7) causes the release of a hazardous material
19 on the property of a railroad carrier, with the intent
20 to endanger the safety of any person, or with a reck-
21 less disregard for the safety of human life;

22 “(8) conveys or causes to be conveyed false in-
23 formation, knowing the information to be false, con-
24 cerning an attempt or alleged attempt being made or

1 to be made, to do any act which would be a crime
2 prohibited by this subsection; or

3 “(9) attempts, threatens, or conspires to do any
4 of the aforesaid acts;

5 shall be fined under this title or imprisoned not more than
6 twenty years, or both, if such act is committed, or in the
7 case of a threat or conspiracy such act would be com-
8 mitted, on, against, or affecting a railroad carrier engaged
9 in or affecting interstate or foreign commerce, or if in the
10 course of committing such acts, that person travels or
11 communicates across a State line in order to commit such
12 acts, or transports materials across a State line in aid of
13 the commission of such acts.

14 “(b) AGGRAVATED OFFENSES.—Provided however, if
15 a violation of subsection (a) also—

16 “(1) involved a railroad train that carried high
17 level radioactive waste or spent nuclear fuel at the
18 time of the offense, whoever committed that offense
19 shall be fined under this title or imprisoned for not
20 less than thirty years or for life, or both;

21 “(2) involved a railroad train that was carrying
22 passengers at the time of the offense, whoever com-
23 mitted that offense shall be fined under this title or
24 imprisoned for life, or both; and

1 “(3) resulted in the death of any person, who-
2 ever committed the offense shall be fined under this
3 title, imprisoned for life, or both, or sentenced to
4 death.

5 “(c) PROHIBITION AGAINST PROPELLING OB-
6 JECTS.—Whoever willfully or recklessly throws, shoots, or
7 propels a rock, stone, brick, or piece of iron, steel, or other
8 metal or any deadly or dangerous object, or biological
9 agent or toxin for use as a weapon, or destructive sub-
10 stance, or destructive device at any locomotive or car of
11 a train, knowing or having reason to know such activity
12 would likely cause personal injury, shall be fined under
13 this title or imprisoned for not more than five years, or
14 both, if such act is committed on or against a railroad
15 carrier engaged in or affecting interstate or foreign com-
16 merce, or if in the course of committing such act, that
17 person travels or communicates across a State line in
18 order to commit such act, or transports materials across
19 a State line in aid of the commission of such act. Whoever
20 is convicted of any crime prohibited by this subsection
21 shall also be subject to imprisonment for not more than
22 twenty years if the offense has resulted in the death of
23 any person.

24 “(d) DEFINITIONS.—In this section—

1 “(1) ‘biological agent’ has the meaning given to
2 that term in section 178(1) of this title;

3 “(2) ‘dangerous weapon’ has the meaning given
4 to that term in section 930 of this title;

5 “(3) ‘destructive device’ has the meaning given
6 to that term in section 921(a)(4) of this title;

7 “(4) ‘destructive substance’ has the meaning
8 given to that term in section 31 of this title, except
9 that (A) the term ‘radioactive device’ does not in-
10 clude any radioactive device or material used solely
11 for medical, industrial, research, or other peaceful
12 purposes, and (B) ‘destructive substance’ includes
13 any radioactive device or material that can be used
14 to cause a harm listed in subsection (a) and that is
15 not in use solely for medical, industrial, research, or
16 other peaceful purposes;

17 “(5) ‘for use as a weapon’ has the meaning
18 given to that term in section 175 of this title;

19 “(6) ‘hazardous material’ has the meaning
20 given to that term in section 5102(2) of title 49,
21 United States Code;

22 “(7) ‘high-level radioactive waste’ has the
23 meaning given to that term in section 10101(12) of
24 title 42, United States Code;

1 “(8) ‘railroad’ has the meaning given to that
2 term in section 20102(1) of title 49, United States
3 Code;

4 “(9) ‘railroad carrier’ has the meaning given to
5 that term in section 20102(2) of title 49, United
6 States Code;

7 “(10) ‘serious bodily injury’ has the meaning
8 given to that term in section 1365 of this title;

9 “(11) ‘spent nuclear fuel’ has the meaning
10 given to that term in section 10101(23) of title 42,
11 United States Code;

12 “(12) ‘State’ has the meaning given to that
13 term in section 2266 of this title; and

14 “(13) ‘toxin’ has the meaning given to that
15 term in section 178(2) of this title.”.

16 (d) CONFORMING AMENDMENT.—In the analysis of
17 chapter 97 of title 18, United States Code, item “1992”
18 is amended to read:

 “1992. Terrorist attacks and other acts of violence against railroad car-
 riers.”.

19 (e) TERRORIST ATTACKS AND OTHER ACTS OF VIO-
20 LENCE AGAINST MASS TRANSPORTATION SYSTEMS.—
21 Chapter 97 of title 18, United States Code, is amended
22 by adding at the end thereof the following new section:

1 **SEC. 1993. TERRORIST ATTACKS AND OTHER ACTS OF VIO-**
2 **LENCE AGAINST MASS TRANSPORTATION**
3 **SYSTEMS.**

4 “(a) GENERAL PROHIBITIONS.—Whoever willfully—

5 “(1) wrecks, derails, sets fire to, or disables a
6 mass transportation vehicle or ferry;

7 “(2) places or causes to be placed any biological
8 agent or toxin for use as a weapon, destructive sub-
9 stance, or destructive device in, upon, or near a
10 mass transportation vehicle or ferry, without pre-
11 viously obtaining the permission of the mass trans-
12 portation provider, and with intent to endanger the
13 safety of any passenger or employee of the mass
14 transportation provider, or with a reckless disregard
15 for the safety of human life;

16 “(3) sets fire to, or places any biological agent
17 or toxin for use as a weapon, destructive substance,
18 or destructive device in, upon, or near any garage,
19 terminal, structure, supply, or facility used in the
20 operation of, or in support of the operation of, a
21 mass transportation vehicle or ferry, without pre-
22 viously obtaining the permission of the mass trans-
23 portation provider, and knowing or having reason to
24 know such activity would likely derail, disable, or
25 wreck a mass transportation vehicle or ferry used,

1 operated, or employed by the mass transportation
2 provider;

3 “(4) removes appurtenances from, damages, or
4 otherwise impairs the operation of a mass transpor-
5 tation signal system, including a train control sys-
6 tem, centralized dispatching system, or rail grade
7 crossing warning signal;

8 “(5) interferes with, disables or incapacitates
9 any dispatcher, driver, captain, or person while they
10 are employed in dispatching, operating, or maintain-
11 ing a mass transportation vehicle or ferry, with in-
12 tent to endanger the safety of any passenger or em-
13 ployee of the mass transportation provider, or with
14 a reckless disregard for the safety of human life;

15 “(6) commits an act, including the use of a
16 dangerous weapon, with the intent to cause death or
17 serious bodily injury to an employee or passenger of
18 a mass transportation provider or any other person
19 while any of the foregoing are on the property of a
20 mass transportation provider;

21 “(7) conveys or causes to be conveyed false in-
22 formation, knowing the information to be false, con-
23 cerning an attempt or alleged attempt being made or
24 to be made, to do any act which would be a crime
25 prohibited by this subsection; or

1 “(8) attempts, threatens, or conspires to do any
2 of the aforesaid acts;
3 shall be fined under this title or imprisoned not more than
4 twenty years, or both, if such act is committed, or in the
5 case of a threat or conspiracy such act would be com-
6 mitted, on, against, or affecting a mass transportation
7 provider engaged in or affecting interstate or foreign com-
8 merce, or if in the course of committing such act, that
9 person travels or communicates across a State line in
10 order to commit such act, or transports materials across
11 a State line in aid of the commission of such act. Whoever
12 violates this subsection under the following circumstances
13 shall be guilty of an aggravated form of the offense: (i)
14 if the mass transportation vehicle or ferry was carrying
15 a passenger at the time of the offense, then whoever com-
16 mitted that offense shall be fined under this title or im-
17 prisoned for a term of years or for life, or both; (ii) if
18 the offense has resulted in the death of any person, then
19 whoever committed the offense shall be fined under this
20 title or imprisoned for life, or both, or sentenced to death.
21 “(b) PROHIBITION AGAINST PROPELLING OB-
22 JECTS.—Whoever willfully or recklessly throws, shoots, or
23 propels a rock, stone, brick, or piece of iron, steel, or other
24 metal or any deadly or dangerous object, or biological
25 agent or toxin for use as a weapon, or destructive sub-

1 stance, or destructive device at any mass transportation
2 vehicle or ferry, knowing or having reason to know such
3 activity would likely cause personal injury, shall be fined
4 under this title or imprisoned for not more than five years,
5 or both, if such act is committed on or against a mass
6 transportation provider engaged in or affecting interstate
7 or foreign commerce, or if in the course of committing
8 such acts, that person travels or communicates across a
9 State line in order to commit such acts, or transports ma-
10 terials across a State line in aid of the commission of such
11 acts. Whoever is convicted of any crime prohibited by this
12 subsection shall also be subject to imprisonment for not
13 more than twenty years if the offense has resulted in the
14 death of any person.

15 “(c) DEFINITIONS.—In this section—

16 “(1) ‘biological agent’ has the meaning given to
17 that term in section 178(1) of this title;

18 “(2) ‘dangerous weapon’ has the meaning given
19 to that term in section 930 of this title;

20 “(3) ‘destructive device’ has the meaning given
21 to that term in section 921(a)(4) of this title;

22 “(4) ‘destructive substance’ has the meaning
23 given to that term in section 31 of this title, except
24 that—

1 “(A) the term ‘radioactive device’ does not
2 include any radioactive device or material used
3 solely for medical, industrial, research, or other
4 peaceful purposes; and

5 “(B) ‘destructive substance’ includes any
6 radioactive device or material that can be used
7 to cause a harm listed in subsection (a) and
8 that is not in use solely for medical, industrial,
9 research, or other peaceful purposes;

10 “(5) ‘for use as a weapon’ has the meaning
11 given to that term in section 175 of this title;

12 “(6) ‘mass transportation’ has the meaning
13 given to that term in section 5302(a)(7) of title 49,
14 United States Code, except that the term shall in-
15 clude schoolbus, charter, and sightseeing transpor-
16 tation;

17 “(7) ‘serious bodily injury’ has the meaning
18 given to that term in section 1365 of this title;

19 “(8) ‘State’ has the meaning given to that term
20 in section 2266 of this title; and

21 “(9) ‘toxin’ has the meaning given to that term
22 in section 178(2) of this title.”.

23 (f) CONFORMING AMENDMENT.—The analysis of
24 chapter 97 of title 18, United States Code, is amended
25 by adding at the end:

“1993. Terrorist attacks and other acts of violence against mass transportation systems.”.

1 **TITLE IV—PROTECTING AMERI-**
 2 **CANS AND SUPPORTING VIC-**
 3 **TIMS OF CRIME**
 4 **Subtitle A—Violence Against**
 5 **Women**

6 **SEC. 4001. REAUTHORIZATION OF STOP GRANTS.**

7 (a) REAUTHORIZATION.—Section 1001(a)(18) of title
 8 I of the Omnibus Crime Control and Safe Streets Act of
 9 1968 (42 U.S.C. 3793(a)(18)) is amended to read as fol-
 10 lows:

11 “(18) There are authorized to be appropriated
 12 to carry out part T—

13 “(A) 220,000,000 for fiscal year 2001;

14 “(B) such sums as may be necessary for
 15 fiscal year 2002;

16 “(C) such sums as may be necessary for
 17 fiscal year 2003;

18 “(D) such sums as may be necessary for
 19 fiscal year 2004; and

20 “(E) such sums as may be necessary for
 21 fiscal year 2005.”.

22 (b) PURPOSES FOR WHICH GRANTS MAY BE
 23 USED.—Section 2001(b)(5) of Part T of title I of the Om-
 24 nibus Crime Control and Safe Streets Act of 1968 (42

1 U.S.C. 3796gg et seq.) is amended by inserting “, and
2 individuals with disabilities (as defined in section 3 of the
3 Americans with Disabilities Act of 1990 (42 U.S.C.
4 12102) and other underserved populations” after “devel-
5 oping or improving delivery of victim services to racial,
6 cultural, ethnic, and language minorities”.

7 (c) LAW ENFORCEMENT AND PROSECUTION
8 GRANTS.—Part T of title I of the Omnibus Crime Control
9 and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.)
10 is amended—

11 (1) in section 2001(b)—

12 (A) by striking “and” at the end of sub-
13 section (b)(6);

14 (B) by striking the period at the end of
15 subsection (b)(7), and inserting “; and”; and

16 (C) by inserting after subsection (b)(7) the
17 following:

18 “(8) developing, implementing, or supporting
19 public education campaigns that recognize domestic
20 violence and sexual assault as crimes, so long as the
21 funding of such public education efforts does not de-
22 tract from the provision of direct services to victims
23 of violent crimes against women.”;

24 (2) in section 2002(b)—

1 (A) in paragraph (1), by striking “4 per-
2 cent” and by inserting “5 percent”;

3 (B) by redesignating paragraphs (2) and
4 (3) as paragraphs (3) and (4); and

5 (C) by inserting after paragraph (1) the
6 following:

7 “(2) 2 percent may be used for grants for State
8 coalitions as defined in section 2003(7), with the co-
9 alition for each State, the coalition for the District
10 of Columbia, the coalition for the Commonwealth of
11 Puerto Rico, and the coalition for the combined Ter-
12 ritories of the United States each receiving an
13 amount equal to $\frac{1}{53}$ of the total amount made avail-
14 able under this paragraph for each fiscal year;”;

15 (3) in section 2003—

16 (A) in paragraph (7), by striking “phys-
17 ical”;

18 (B) by redesignating paragraphs (6), (7)
19 and (8) as paragraphs (8), (9) and (10); and

20 (C) by inserting after paragraph (5) the
21 following:

22 “(6) the term ‘court’ means a public agency
23 having civil or criminal jurisdiction to make adju-
24 dications, including such agency’s component bu-

1 reaus (such as court intake programs for domestic
2 violence victims);

3 “(7) for purposes of this section, the term
4 “State domestic violence coalition” means a State
5 domestic violence coalition as determined by the Sec-
6 retary of Health and Human Services under the
7 Family Violence Prevention and Services Act (42
8 U.S.C. 10410 et seq.) and the term ‘State sexual as-
9 sault coalition’ means a State sexual assault coal-
10 ition as determined by the Secretary of Health and
11 Human Services under the Public Health Service
12 Act;”.

13 (d) REALLOTMENT OF FUNDS.—Section 2002(e) of
14 the Omnibus Crime Control and Safe Streets Act of 1968
15 (42 U.S.C. 3796gg–1(e)) is amended by adding at the end
16 the following:

17 “(3) REALLOTMENT OF FUNDS.—If, at the end
18 of the 2 year project period, any amount set aside
19 for law enforcement, prosecution, and courts re-
20 mains unobligated, the unobligated amount shall be
21 reallocated by a State to support nonprofit, non-
22 governmental victim services projects without regard
23 to subsection (c)(3) of this section.”.

1 (e) DEFINITIONS.—Section 2003(8) of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
3 3796gg–2) is amended—

4 (1) in paragraph (1) by inserting “by a person
5 with whom the victim has engaged in a social rela-
6 tionship of a romantic or intimate nature” after
7 “child in common,”; and

8 (2) in paragraph (3) by striking “assisting do-
9 mestic violence or sexual assault victims through the
10 legal process” and inserting “providing assistance
11 for victims seeking legal, economic, health care or
12 social services, except that the term does not include
13 any program or activity that is targeted primarily
14 for offenders”.

15 **SEC. 4002. ROLE OF THE COURTS.**

16 (a) COURTS AS ELIGIBLE STOP SUBGRANTEES.—
17 Part T of title I of the Omnibus Crime Control and Safe
18 Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is
19 amended—

20 (1) in section 2001—

21 (A) in subsection (a)—

22 (i) by inserting “State and local
23 courts,” after “States,”;

24 (ii) by inserting “tribal courts,” after
25 “Indian tribal governments,”.

1 (B) in subsection (b)—

2 (i) in each of paragraphs (1) and (2),
3 by inserting “, judges and other court per-
4 sonnel,” after “law enforcement officers”;
5 and

6 (ii) in paragraph (3), by inserting “,
7 court,” after “police”; and (2) in section
8 2002—

9 (A) in subsection (a), by inserting “State
10 and local courts,” after “States,” the second
11 place it appears;

12 (B) in subsection (c), by amending para-
13 graph (3) to read as follows:

14 “(3) of the amount granted—

15 “(A) not less than 25 percent each shall be
16 allocated to police and prosecutors;

17 “(B) not less than 30 percent shall be allo-
18 cated to victim services; and

19 “(C) not less than 10 percent shall be allo-
20 cated for State and local courts;” and

21 (C) in subsection (d)(1), by inserting
22 “court,” after “law enforcement,”.

23 (b) REAUTHORIZATION OF STATE JUSTICE INSTI-
24 TUTE GRANTS.—Chapter 1 of subtitle D of the Violence

1 Against Women Act of 1994 (42 U.S.C. 13991 et seq.)

2 is amended—

3 (1) in section 40412—

4 (A) in paragraph (6), by inserting “stereo-
5 typing of individuals with disabilities (as de-
6 fined in section 3 of the Americans with Dis-
7 abilities Act of 1990 (42 U.S.C. 12102)) who
8 are victims of rape, sexual assault, abuse, or
9 domestic violence,” before “racial stereotyping”;

10 (B) in paragraph (13), by inserting “or
11 among individuals with disabilities (as defined
12 in section 3 of the Americans with Disabilities
13 Act of 1990 (42 U.S.C. 12102)),” after “socio-
14 economic groups,”;

15 (C) in paragraph (18), by striking “and”
16 at the end;

17 (D) in paragraph (19), by striking the pe-
18 riod at the end and inserting a semicolon; and

19 (E) by adding at the end the following:

20 “(20) domestic violence and child abuse in cus-
21 tody determinations and stereotypes regarding the
22 fitness of individuals with disabilities (as defined in
23 section 3 of the Americans with Disabilities Act of
24 1990 (42 U.S.C. 12102)) to retain custody of chil-
25 dren in domestic violence cases;

1 “(21) promising practices in the vertical man-
2 agement of domestic violence offender cases; and

3 “(22) issues relating to violence against and
4 abuse of individuals with disabilities (as defined in
5 section 3 of the Americans with Disabilities Act of
6 1990 (42 U.S.C. 12102)), including the nature of
7 physical, mental, and communications disabilities,
8 the special vulnerability to violence of individuals
9 with disabilities, and the types of violence and abuse
10 experienced by individuals with disabilities.”; and

11 (2) in section 40414, by amending subsection
12 (a) to read as follows:

13 “(a) IN GENERAL.—There are authorized to be ap-
14 propriated to carry out this chapter—

15 “(1) \$700,000 for fiscal year 2001; and

16 “(2) such sums as may be necessary for each
17 of fiscal years 2002 through 2005.”.

18 (c) FEDERAL JUDICIAL PERSONNEL.—In carrying
19 out section 620(b)(3) of title 28, United States Code, the
20 Federal Judicial Center, shall include in its educational
21 and training programs, including the training programs
22 for newly appointed judges, information on the topics list-
23 ed in section 40412 of the Equal Justice for Women in
24 the Courts Act of 1994 (42 U.S.C. 13992) that pertain
25 to issues within the jurisdiction of the Federal courts, and

1 shall prepare materials necessary to implement this sec-
2 tion and the amendments made by this section.

3 **SEC. 4003. GRANTS TO ENCOURAGE ARREST POLICIES.**

4 (a) REAUTHORIZATION.—Section 1001(a)(19) of title
5 I of the Omnibus Crime Control and Safe Streets Act of
6 1968 (42 U.S.C. 3796hh) is amended to read as follows:

7 “(19) There are authorized to be appropriated
8 to carry out part U—

9 “(A) \$34,000,000 for fiscal year 2001; and

10 “(B) such sums as may be necessary for
11 each of fiscal years 2002 through 2005.

12 (b) GRANTS.—Section 2101 of title I of the Omnibus
13 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
14 3796hh) is amended—

15 (1) by inserting after subsection (b)(6) the fol-
16 lowing:

17 “(7) To develop, implement, or support public
18 education campaigns that recognize domestic vio-
19 lence and sexual assault as crimes, so long as the
20 funding of such public education efforts does not de-
21 tract from the provision of direct services to vic-
22 tims.”;

23 (2) by redesignating subsection (c) as sub-
24 section (d); and

1 (3) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) AMOUNTS.—Of the amounts appropriated under
4 this section at least 5 percent shall be used for grants to
5 programs that serve Indian women who are victims of do-
6 mestic violence, stalking, or sexual assault in Indian coun-
7 try or Alaskan Native villages.”.

8 **SEC. 4004. REAUTHORIZATION OF RURAL DOMESTIC VIO-**
9 **LENCE AND CHILD ABUSE ENFORCEMENT**
10 **GRANTS.**

11 (a) REAUTHORIZATION.—Section 40295(c)(1) of the
12 Violence Against Women Act of 1994 (42 U.S.C.
13 13971(c)(1)) is amended to read as follows:

14 “(1) IN GENERAL.—There are authorized to be
15 appropriated to carry out this section—

16 “(A) \$25,000,000 for fiscal year 2001 and;

17 “(B) such sums as may be necessary for
18 each of fiscal years 2002 through 2005.”.

19 (b) AMOUNTS.—Section 40295 of the Violence
20 Against Women Act of 1994 (42 U.S.C. 13971) is amend-
21 ed by adding at the end the following:

22 “(d) ALLOTMENT FOR INDIAN TRIBES.—At least 5
23 percent of the total amount made available to carry out
24 this section for each fiscal year shall be available for
25 grants to Indian tribal governments.”.

1 **SEC. 4005. EDUCATIONAL INSTITUTIONS AND VIOLENCE**
2 **AGAINST WOMEN.**

3 (a) GRANTS TO REDUCE VIOLENT CRIMES AGAINST
4 WOMEN ON CAMPUS.—Part E of title VIII of the Higher
5 Education Amendments of 1998 (20 U.S.C. 1152 and
6 note) is amended—

7 (1) in section 826(f)—

8 (A) in paragraph (1), by inserting “, by a
9 person who is or has been in a continuing social
10 relationship of a romantic or intimate nature
11 with the victim,” after “by a person who is co-
12 habiting with or has cohabitated with the vic-
13 tim,”;

14 (B) in paragraph (2), by striking “and at
15 the end;

16 (C) in paragraph (3), by

17 (i) striking “nonprofit, nongovern-
18 mental organization” and inserting “pri-
19 vate, nonprofit organization or a public
20 nonprofit organization acting in a non-
21 governmental capacity, such as a victim
22 services organization at a public institution
23 of higher education” after “acting in a
24 nongovernmental capacity”; and

25 (ii) by striking the period at the end
26 and inserting “;”; and

1 (D) by adding at the end the following:

2 “(4) the terms ‘campus domestic violence’,
3 ‘campus stalking’, and ‘campus sexual assault’ mean
4 acts of domestic violence, stalking, or sexual assault
5 occurring at institutions of higher education and
6 acts of domestic violence, stalking, or sexual assault
7 committed against or by students, faculty, or em-
8 ployees of such institutions or other members of the
9 campus community.”; and

10 (2) in section 827(d), by—

11 (A) inserting “, faculty, or” after “stu-
12 dents”; and

13 (B) inserting “or other members of the
14 campus community” after “employees of such
15 institutions”.

16 (b) REAUTHORIZATION.—Section 826(g) of title VIII
17 of the Higher Education Amendments of 1998 (20 U.S.C.
18 1152 (g)) is amended to read as follows:

19 “(g) For the purpose of carrying out this part, there
20 are authorized to be appropriated such sums as may be
21 necessary for fiscal years 2001 through 2005.”.

1 **SEC. 4006. TEN PERCENT SET-ASIDE OF VAWA GRANT**
 2 **FUNDS FOR TRAINING AND TECHNICAL AS-**
 3 **SISTANCE.**

4 The Violence Against Women Act of 1994 is amended
 5 by inserting after Section 40001 the following new section:

6 **“SEC. 4002. RESERVATION OF FUNDS FOR TRAINING AND**
 7 **TECHNICAL ASSISTANCE.**

8 “With respect to each grant program enacted by this
 9 title that is administered by the Attorney General, and
 10 with respect to the program of Grants to Combat Violent
 11 Crimes Against Women on Campuses, enacted by section
 12 826 of the Higher Education Amendments of 1998 (20
 13 U.S.C. 1152, the Attorney General may reserve an
 14 amount not to exceed ten percent of funds appropriated
 15 in each fiscal year to provide training and technical assist-
 16 ance for use in combating violence against women.”.

17 **SEC. 4007. PROTECTION FOR VICTIMS OF TRAFFICKING.**

18 SECTION 1. SHORT TITLE AND TABLE OF CON-
 19 TENTS.—(a) SHORT TITLE.—This Act may be cited as the
 20 “Comprehensive Anti-Trafficking in Persons Act of
 21 2000”.

22 (b) TABLE OF CONTENTS.— The table of contents
 23 for this Act is as follows:

- Sec. 1. Short Title; Table of Contents.
- Sec. 2. Purposes and Findings.
- Sec. 3. Definitions.
- Sec. 4. Mechanisms to Evaluate Progress in Combating Trafficking.
- Sec. 5. Prevention of Trafficking.

Sec. 6. Protection and Assistance for Trafficking Victims.

Sec. 7. Humanitarian/Material Witness Visa.

Sec. 8. Strengthening Prosecution and Punishment of Traffickers.

Sec. 9. Monitoring International Progress to Eradicate Trafficking in Persons.

Sec. 10. Authorization of Appropriations.

1 SEC. 2. PURPOSES AND FINDINGS.—(a) PUR-
2 POSES.—The purposes of this Act are: to combat the evil
3 of trafficking in persons (especially women and chil-
4 dren)—a contemporary manifestation of slavery—in all of
5 its coercive forms, both domestically and internationally,
6 through prevention, prosecution of and enforcement
7 against traffickers; and to protect and assist victims of
8 this fundamental violation of human rights.

9 (b) FINDINGS.—The Congress finds that:

10 (1) Trafficking of persons, predominantly
11 women and children, is an insidious and growing
12 global transnational crime and human rights prob-
13 lem which manifests itself in forms of modern-day
14 slavery.

15 (2) Trafficking schemes generally involve traf-
16 fickers facilitating the victims' movement from their
17 home communities to an unfamiliar destination,
18 away from family and friends, religious institutions
19 and other sources of protection and support, making
20 the victims more vulnerable.

21 (3) Trafficking victims may suffer physical
22 abuse and threats, including rape and other forms of
23 sexual abuse, torture, starvation, imprisonment,

1 physical brutality, and death, and they may encoun-
2 ter mental and psychological abuse and coercion.

3 (4) Women and children trafficked into the sex
4 industry are exposed to deadly diseases, including
5 HIV and AIDS.

6 (5) Trafficking is perpetrated increasingly by
7 organized and sophisticated criminal enterprises.
8 Worldwide, it is viewed as the fastest growing source
9 of profits for organized criminal enterprises and the
10 third largest overall (behind only drugs and fire-
11 arms). Increasingly, profits from trafficking in per-
12 sons are laundered and underpin the growth and
13 strengthening of organized criminal activity through-
14 out the world, including the United States. Often
15 aided by official corruption, this activity threatens
16 the rule of law.

17 (6) It is estimated that over one million per-
18 sons, primarily women and children, are trafficked
19 around the world each year. Approximately 50,000
20 of these women and children are trafficked into the
21 United States each year. Trafficking also occurs
22 within countries, including the United States.

23 (7) Trafficking contributes to the further desta-
24 bilization of economically depressed or impoverished
25 communities. It is in those areas that traffickers

1 regularly purchase and remove young women and
2 girls from their homes, combing villages for children
3 to harvest for the sex industry and slave labor. In
4 some countries trafficking is a major part of the un-
5 derground economy. These activities add to the in-
6 stability of already fragile regions.

7 (8) Trafficking victims are moved, bought, and
8 sold as just another commodity in interstate and for-
9 eign commerce. The lifeblood of the traffickers'
10 trade is their "inventory" of human beings. Traf-
11 ficking negatively affects interstate and foreign com-
12 merce, thwarting the free flow of resources and the
13 liberty and labor of persons in the stream of com-
14 merce.

15 (9) Trafficking networks primarily target
16 women and children who have been marginalized
17 through poverty, poor education or lack of access to
18 education, chronic unemployment, discrimination,
19 and the lack of viable economic opportunities at
20 home. Traffickers exploit these conditions of eco-
21 nomic and social deprivation to ensnare their vic-
22 tims. Traffickers lure women and girls into their
23 networks through false promises of good working
24 conditions at relatively high pay as nannies, maids,
25 dancers, factory workers, restaurant workers, sales

1 clerks, or models. Traffickers also exploit the poverty
2 of families by buying daughters and selling them to
3 brothels, into domestic servitude, or into many types
4 of bonded labor.

5 (10) Victims may be forced to perform labor or
6 services—including but not limited to prostitution
7 and sexual servitude, domestic servitude, bonded
8 sweatshop labor, or other work or services—which
9 are obtained or maintained by the existence of force,
10 threats of force, or legal coercion, or through the use
11 of mental or psychological coercion.

12 (11) It is the intent of Congress that proof of
13 involuntary servitude or peonage, as it is used in
14 prosecutions under 18 United States Code sections
15 241, 1581, 1583, 1584, and newly-created section
16 1589, not be limited to labor or services compelled
17 by the use, or threatened use, of force or legal coer-
18 cion. Rather, violations of these sections may also be
19 established by proof that the labor or service of a
20 person was obtained or maintained through rep-
21 resentations to the victim that physical harm may
22 occur to him or her, or to another, which were made
23 in an effort to wrongfully obtain or maintain the
24 labor or services of the victim. In such situations, a
25 victim of trafficking or involuntary servitude may be

1 warned that a dire fate may befall him or her—in-
2 cluding violence, rape, starvation, destitution, or an-
3 other form of physical harm—should he or she at-
4 tempt to leave the condition of involuntary servitude.
5 While such representations may not constitute spe-
6 cific threats of harm by the defendant or by any spe-
7 cific individual acting at the behest of the defendant,
8 they may nonetheless have an equally coercive effect
9 on the victim: forcing the victim to enter or remain
10 in a condition of peonage or involuntary servitude.
11 Violations of 18 United States Code sections 241,
12 1581, 1583, 1584, and newly-created section 1589
13 may also be created by the use of fraud, deceit, or
14 misrepresentation toward any person in an effort to
15 wrongfully obtain or maintain the labor or services
16 of that person, where the person is a minor, an im-
17 migrant, one who is mentally disabled, or one who
18 is otherwise particularly susceptible to coercion.

19 (12) Sentencing guidelines for criminal viola-
20 tions of newly enacted or amended trafficking stat-
21 utes should reflect the seriousness of the crimes cov-
22 ered by these statutes, such as involuntary servitude,
23 slave trade offenses, peonage, transportation for co-
24 erced or illegal sexual activities, and immigration
25 laws.

1 (13) With regard to the enactment of section
2 1589 of title 18, United States Code, Congress finds
3 that trafficking in persons substantially affects
4 interstate and foreign commerce. Trafficking for
5 such purposes as involuntary servitude, peonage, or
6 criminally exploitative labor has an impact on the
7 nationwide employment network and labor market.
8 Within the context of slavery, coerced labor or serv-
9 ices, trafficking victims may be subjected to a range
10 of violations that include dangerous work and living
11 environments, isolation and restriction of movement,
12 and denial of pay. It is, therefore, an appropriate ex-
13 ercise of the legislative power to eradicate the sub-
14 stantial burdens on commerce that result from these
15 activities and to prevent the channels of commerce
16 from being used for an immoral and injurious pur-
17 pose. The purpose of this statute is also to prohibit
18 the shipment of goods in interstate and foreign com-
19 merce which are produced under conditions of slav-
20 ery and coercion. Such commerce is detrimental to
21 the free flow of goods and services and to trafficked
22 victim's health and safety. This statute attempts to
23 eradicate the evils attendant to criminally coerced
24 labor and services, including compelling persons to
25 work as prostitutes or in other illegal activities, that

1 have a substantial negative effect on the operations
2 of interstate and foreign commerce.

3 (14) Trafficking is condemned by the United
4 States and the international community and, at its
5 core, represents a violation of fundamental human
6 rights.

7 SEC. 3. DEFINITIONS.—(a) For the purposes of this
8 Act (other than section 8) and except as provided in sub-
9 section (b)—

10 (1) The term “trafficking” means recruiting or
11 abducting, facilitating, transferring, harboring or
12 transporting a person, by the threat or use of force,
13 coercion, fraud or deception, or by the purchase,
14 sale, trade, transfer or receipt of a person, for the
15 purpose of subjecting that person to involuntary ser-
16 vitude, peonage, slavery, slavery-like practices,
17 forced or bonded labor or services, or other criminal
18 exploitation of workers.

19 (2) The term “victim of trafficking” generally
20 means any person subjected to the actions set forth
21 in paragraph (1).

22 (b) The definition of “trafficking” set forth in sub-
23 section (a) may be modified by the Secretary of State and
24 the Attorney General to make it consistent with the defini-
25 tion of trafficking in persons or any other substantially

1 similar term in any international treaty or convention to
2 which the United States is a party, subsequent to the date
3 of enactment of this Act, provided that any such modifica-
4 tions are consistent with the purposes of this Act.

5 SEC. 4. MECHANISMS TO EVALUATE PROGRESS IN
6 COMBATING TRAFFICKING.—(a) INTERNATIONAL.—In
7 order to maximize the effectiveness of the United States’
8 anti-trafficking programs, the Secretary of State, to the
9 extent that resources permit, should establish mechanisms
10 to measure and evaluate global progress in reducing traf-
11 ficking. These mechanisms should set goals and permit
12 evaluation of progress on—

13 (1) prevention, including economic and public
14 awareness components;

15 (2) protection and assistance for victims of traf-
16 ficking; and

17 (3) prosecution of and enforcement against
18 traffickers, including the role of public corruption in
19 facilitating trafficking.

20 (b) DOMESTIC.—In order to maximize the effective-
21 ness of United States anti-trafficking programs, the Sec-
22 retaries of Health and Human Services and Labor and
23 the Attorney General should, to the extent that resources
24 permit, establish mechanisms for their respective Depart-
25 ments that set goals and permit measurement and evalua-

1 tion of United States progress concerning protection and
2 assistance for trafficking victims.

3 SEC. 5. PREVENTION OF TRAFFICKING.—(a) ECO-
4 NOMIC ALTERNATIVES TO PREVENT AND DETER TRAF-
5 FICKING.—

6 (1) To assist the United States in advancing its
7 international prevention goals established under sec-
8 tion 4, by enhancing economic opportunity and alter-
9 natives for potential victims of trafficking, the Presi-
10 dent should promote—

11 (A) economic alternatives and opportuni-
12 ties for women, including micro-credit, training
13 in business development, skills training, and job
14 counseling;

15 (B) programs that promote women’s par-
16 ticipation in economic decision-making;

17 (C) programs to keep children, especially
18 girls, in elementary and secondary schools;

19 (D) development of educational curricula
20 about the dangers of trafficking; and

21 (E) grants to non-governmental organiza-
22 tions to accelerate the empowerment of women
23 in local and regional, political, economic, social,
24 and educational roles in their countries.

1 (2) The Administrator of the U.S. Agency for
2 International Development should include in existing
3 reports to Congress information about the Agency's
4 programs for increasing economic alternatives and
5 education for those at risk of trafficking and the
6 Agency's efforts to reduce trafficking, consistent
7 with the goals established under subsection (a) of
8 this section.

9 (3) Non-governmental organizations should be
10 consulted in the development of programs under-
11 taken pursuant to this subsection.

12 (b) PUBLIC AWARENESS AND INFORMATION.—

13 (1) The Secretaries of State, Health and
14 Human Services, and Labor, the Attorney General,
15 and other appropriate agencies should, to the extent
16 resources permit and in a manner consistent with
17 authority that is otherwise available, establish or ex-
18 pand initiatives and programs, domestic and inter-
19 national, to increase the public's understanding—
20 particularly targeted to potential victims—of the
21 dangers of trafficking and the protections that are
22 available for victims of trafficking. These initiatives
23 and programs should include projects that address
24 demands that may contribute to growth in traf-
25 ficking.

1 (2) NON-GOVERNMENTAL ORGANIZATIONS.—In
2 implementing paragraph (1) of this subsection, the
3 Secretaries of State, Health and Human Services,
4 and Labor and the Attorney General should consult
5 with non-governmental organizations.

6 (3) To carry out the purposes of this sub-
7 section, there are authorized to be appropriated to
8 the Secretaries of State, Health and Human Serv-
9 ices, and Labor, and the Attorney General such
10 sums as may be necessary.

11 (c) IMPROVING UNDERSTANDING OF TRAF-
12 FICKING.—

13 (1) The President should establish or expand
14 interagency procedures to collect and organize data,
15 including significant research and resource informa-
16 tion on domestic and international trafficking in per-
17 sons (especially women and children).

18 (2) Any data collection procedures established
19 under this subsection shall respect the confidentiality
20 of victims of trafficking.

21 SEC. 6. PROTECTION AND ASSISTANCE FOR VICTIMS
22 OF TRAFFICKING.—(a) VICTIMS IN OTHER COUNTRIES.—
23 The Secretary of State and the Administrator of the U.S.
24 Agency for International Development, are authorized to
25 establish programs and initiatives abroad to assist victims

1 of trafficking and their children, including mental and
2 physical health services, shelter, legal assistance, and safe
3 reintegration efforts. In carrying out this subsection, the
4 Secretary and the Administrator should consult with the
5 Attorney General, non-governmental organizations, and
6 other experts on trafficking, seek to enhance cooperative
7 efforts with the countries of origin of victims of trafficking
8 to facilitate protections for victims of trafficking who are
9 reintegrated into their countries of origin, and assist in
10 the appropriate reintegration of stateless victims of traf-
11 ficking.

12 (b) VICTIMS IN THE UNITED STATES.—

13 (1) Notwithstanding title IV of the Personal
14 Responsibility and Work Opportunity Reconciliation
15 Act of 1996, the Attorney General, the Secretaries
16 of Health and Human Services and Labor, and the
17 Board of Directors of the Legal Services Corpora-
18 tion are authorized to provide assistance to victims
19 of trafficking, without regard to the immigration
20 status of such victims. This assistance may include
21 physical and mental health services, social and legal
22 services, or any other related programs or services.

23 (2) Notwithstanding any other provision of law,
24 victims of trafficking in the United States are eligi-
25 ble, without regard to their immigration status, for

1 any benefits that are otherwise available under the
2 Crime Victims Fund, established under the Victims
3 of Crime Act of 1984, including victims' services,
4 compensation, and assistance.

5 (3) The Attorney General may make grants to
6 States, territories, and possessions of the United
7 States (including the Commonwealths of Puerto Rico
8 and the Northern Mariana Islands), Indian tribes,
9 units of local government, or non-profit, non-govern-
10 mental victims' service organizations to develop, ex-
11 pand, or strengthen victim service programs for vic-
12 tims of trafficking.

13 (A) To receive a grant under paragraph
14 (3) of this subsection, an eligible government or
15 organization shall certify that its laws, policies,
16 and practices, as appropriate, do not punish or
17 deny services to victims of trafficking on ac-
18 count of the nature of their employment or
19 services performed in connection with their hav-
20 ing been trafficked, including but not limited to
21 prostitution.

22 (B) Of amounts made available for grants
23 under paragraph (3) of this subsection, there
24 shall be set aside: three percent for research,
25 evaluation and statistics; two percent for train-

1 ing and technical assistance; and one percent
2 for management and administration.

3 (C) The Federal share of a grant made
4 under paragraph (3) may not exceed 75 percent
5 of the total costs of the projects described in
6 the application submitted.

7 (D) For purposes of this paragraph, “vic-
8 tim of trafficking” has the meaning set forth in
9 section 3(a) of this Act.

10 (4) An individual who is a victim of a violation
11 of section 1589 of title 18, United States Code, re-
12 garding trafficking and criminal exploitation of
13 workers may bring a civil action in United States
14 district court. The court may award actual damages,
15 punitive damages, reasonable attorneys’ fees, and
16 other litigation costs reasonably incurred.

17 (5) While in the custody or control of the Fed-
18 eral government, a victim of trafficking should, to
19 the extent practicable—

20 (A) be housed in appropriate shelter as
21 quickly as possible;

22 (B) receive prompt medical care, food, and
23 other assistance; and

24 (C) be provided protection if a victim’s
25 safety is at risk or if there is danger of addi-

1 tional harm by recapture of the victim by a
2 trafficker.

3 (6) No claim against the United States is cre-
4 ated by paragraph (5) of this subsection.

5 (7) If Federal law enforcement operations or in-
6 vestigations reveal reasonable indicia of the offenses
7 set out in this Act, in chapters 77 and 117 of title
8 18 U.S. Code, or situations of abuse or severe ex-
9 ploitation of a foreign national, a prompt assessment
10 should be made as to whether the individual may be
11 a victim of, or a material witness to, trafficking, pe-
12 onage, or involuntary servitude, or a criminally ex-
13 ploitative labor condition. When it is concluded that
14 such person is in fact a trafficking victim or witness,
15 law enforcement personnel should act, to the extent
16 permitted and in a manner that is consistent with
17 existing law and the purposes of this Act, to ensure
18 the alien victim's continued presence in the United
19 States in order to effectuate prosecution of those re-
20 sponsible and to further the humanitarian interests
21 of the United States.

22 (c) SPECIALIZED TRAFFICKING TRAINING FOR EN-
23 FORCEMENT OFFICIALS.—The Secretary of State and the
24 Attorney General may initiate or expand training of ap-
25 propriate personnel of the Department of State and the

1 Department of Justice, respectively, in identifying victims
2 of trafficking and providing for the protection of such vic-
3 tims. The Secretary and the Attorney General may apply
4 funds to the extent resources permit for the purposes of
5 this subsection. Training under this subsection should in-
6 clude, but not be limited to, methods for achieving anti-
7 trafficking objectives through the nondiscriminatory appli-
8 cation of immigration and other related laws.

9 SEC. 7. HUMANITARIAN/MATERIAL WITNESS NON-
10 IMMIGRANT VISA.—(a) PURPOSE.—The purpose of this
11 section is to create a new nonimmigrant visa classification
12 that will strengthen the ability of law enforcement agen-
13 cies to detect, investigate, and prosecute cases of traf-
14 ficking of persons, while offering protection to victims of
15 such offenses in keeping with the humanitarian interests
16 of the United States. Creating a new nonimmigrant visa
17 classification will facilitate the reporting of violations to
18 law enforcement officials by trafficked and exploited per-
19 sons who are not in a lawful immigration status. It also
20 gives law enforcement officials a means to regularize the
21 status of cooperating individuals during investigations,
22 prosecutions, and civil law enforcement proceedings. By
23 providing temporary legal status to those who have been
24 severely victimized by trafficking or similar egregious of-
25 fenses, it also reflects the humanitarian interests of the

1 United States. Finally, this section gives the Attorney
2 General discretion to convert nonimmigrants to permanent
3 status when it is justified on humanitarian grounds or is
4 otherwise in the national interest.

5 (b) ESTABLISHMENT OF A NEW NONIMMIGRANT
6 CLASSIFICATION.—Section 101(a)(15) of the Immigration
7 and Nationality Act (8 U.S.C. §1101(a)(15)) is
8 amended—

9 (1) by striking “or” at the end of subparagraph
10 (R);

11 (2) by striking the period at the end of sub-
12 paragraph (S) and inserting “; or”; and

13 (3) by adding at the end the following new sub-
14 paragraph:

15 “(T) subject to section 214(n), an alien
16 (and the spouse, children, and parents of the
17 alien if accompanying or following to join the
18 alien) who the Attorney General determines—

19 “(i) possesses material information
20 concerning criminal or other unlawful ac-
21 tivity;

22 “(ii) is willing to supply or has sup-
23 plied such information to Federal or State
24 law enforcement officials;

1 “(iii) would be helpful, were the alien
2 to remain in the United States, to a prop-
3 erly authorized Federal or State investiga-
4 tion or prosecution of the criminal or other
5 unlawful activity; and

6 “(iv) has suffered significant physical
7 or mental abuse as a result of the criminal
8 or other unlawful activity.”.

9 (c) NUMERICAL LIMITATIONS; PERIOD OF ADMIS-
10 SIONS.—Section 214 of the Immigration and Nationality
11 Act (8 U.S.C. § 1184) is amended by—

12 (1) redesignating subsection (l) (regarding for-
13 eign students) as subsection (m); and

14 (2) adding at the end the following new sub-
15 section:

16 “(m)(1) The number of aliens who may be provided
17 a visa or otherwise be provided status under section
18 101(a)(15)(T) in any fiscal year may not exceed 1,000.

19 “(2) No alien may be admitted into the United States
20 as such a nonimmigrant more than five years after the
21 date of enactment of this section.

22 “(3) The period of admission of an alien as such a
23 nonimmigrant may not exceed three years. Such period
24 may not be extended by the Attorney General.

1 “(4) As a condition for admission, and continued stay
2 in lawful status of such a nonimmigrant, the
3 nonimmigrant—

4 “(A) may not be convicted of any criminal of-
5 fense punishable by a term of imprisonment of one
6 year or more after the date of such admission;

7 “(B) must have executed a form that waives the
8 nonimmigrant’s right to contest, other than on the
9 basis of an application for withholding of deporta-
10 tion or removal, any action for deportation of the
11 alien instituted before the alien obtains lawful per-
12 manent resident status; and

13 “(C) shall abide by any other condition, limita-
14 tion, or restriction imposed by the Attorney Gen-
15 eral.”.

16 (d) PROHIBITION OF CHANGE OF STATUS.—Section
17 248(l) of the Immigration and Nationality Act (8 U.S.C.
18 § 1258(l)) is amended by striking “or (S)” and inserting
19 “(S) or (T)” in lieu thereof.

20 (e) ADJUSTMENT TO PERMANENT RESIDENT STA-
21 TUS.—Section 245 of the Immigration and Nationality
22 Act (8 U.S.C. § 1255) is amended by adding at the end
23 thereof the following new subsection:

24 “(l)(1) The Attorney General may adjust the status
25 of an alien admitted into the United States under section

1 101(a)(15)(T) (and the spouse, children, and parents of
2 the alien if admitted under that section) to that of an alien
3 admitted for lawful permanent residence if: in the opinion
4 of the Attorney General, the alien’s continued presence in
5 the United States is justified on humanitarian grounds or
6 is otherwise in the national interest; and the alien is not
7 described in section 212(a)(3)(A)(i)(I), (3)(A)(ii),
8 (3)(A)(iii), (3)(C), or 3(E).

9 “(2) Upon the approval of adjustment of status under
10 paragraph (1), the Attorney General shall record the
11 alien’s lawful admission for permanent residence as of the
12 date of such approval, and the Secretary of State shall
13 reduce by one the number of visas authorized to be issued
14 under sections 201(d) and 203(b)(4) for the fiscal year
15 then current.”.

16 (f) EXCLUSIVE MEANS OF ADJUSTMENT.—Section
17 245(c)(5) of the Immigration and Nationality Act (8
18 U.S.C. § 1255(c)(5)) is amended by striking “section
19 105(a)(15)(S);” and inserting “section 105(a)(15)(S) or
20 (T);” in lieu thereof.

21 SEC. 8. STRENGTHENING PROSECUTION AND PUN-
22 ISHMENT OF TRAFFICKERS.—(a) CRIMINAL PROVI-
23 SIONS.—Chapter 77 of title 18, United States Code, is
24 amended, as follows:

1 (1) In section 1581 by deleting at the end of
2 subsection (a) “shall be fined under this title or im-
3 prisoned not more than 10 years, or both” and in-
4 serting in lieu thereof “shall be fined under this title
5 or imprisoned not more than 20 years, or both; and
6 if, in addition to the foregoing elements, death re-
7 sults from an act committed in violation of this sec-
8 tion, or if such act includes kidnaping or an attempt
9 to kidnap, aggravated sexual abuse or the attempt to
10 commit aggravated sexual abuse, or an attempt to
11 kill, shall be fined under this title or imprisoned for
12 any term of years or life, or both.”;

13 (2) In section 1583 by deleting “shall be fined
14 under this title or imprisoned not more than ten
15 years, or both” and inserting in lieu thereof “shall
16 be fined under this title or imprisoned not more
17 than 20 years, or both; and if, in addition to the
18 foregoing elements, death results from an act com-
19 mitted in violation of this section, or if such act in-
20 cludes kidnaping or an attempt to kidnap, aggra-
21 vated sexual abuse or the attempt to commit aggra-
22 vated sexual abuse, or an attempt to kill, shall be
23 fined under this title or imprisoned for any term of
24 years or life, or both.”;

1 (3) In section 1584 by deleting “shall be fined
2 under this title or imprisoned not more than ten
3 years, or both” and inserting in lieu thereof “shall
4 be fined under this title or imprisoned not more
5 than 20 years, or both; and if in addition to the
6 foregoing elements, death results from an act com-
7 mitted in violation of this section, or if such act in-
8 cludes kidnaping or an attempt to kidnap, aggra-
9 vated sexual abuse or the attempt to commit aggra-
10 vated sexual abuse, or an attempt to kill, shall be
11 fined under this title or imprisoned for any term of
12 years or life, or both.”;

13 (4) By adding at the end thereof the following
14 four new sections:

15 **“§ 1589. Trafficking and criminal exploitation of**
16 **workers**

17 “(a) Whoever—

18 “(1) recruits, harbors, provides, transports, em-
19 ploys, purchases, sells or secures, by any means, any
20 person, knowing or having reason to know that per-
21 son is or will be subjected to involuntary servitude
22 or peonage or to unlawfully exploitative labor condi-
23 tions as described in subsection (b) of this section,
24 shall be fined under this title or imprisoned not
25 more than 20 years, or both; and if, in addition to

1 the foregoing elements, death results from an act
2 committed in violation of this section, or if such act
3 includes kidnaping or an attempt to kidnap, aggra-
4 vated sexual abuse or the attempt to commit aggra-
5 vated sexual abuse, or an attempt to kill, shall be
6 fined under this title or imprisoned for any term of
7 years or life, or both.”; or

8 “(2) in any way, financially or otherwise, know-
9 ingly benefits from, or makes use of, the labor or
10 services of a person held to a condition of involun-
11 tary servitude or peonage, shall be fined under this
12 title or imprisoned not more than 10 years, or both.

13 “(b) As used in this section, ‘unlawfully exploitative
14 labor conditions’ means that the labor or services of a per-
15 son, which are in or affecting interstate commerce or for-
16 eign commerce, are obtained or maintained through any
17 scheme or artifice to defraud, or by means of any plan
18 or pattern, including but not limited to false and fraudu-
19 lent pretenses and misrepresentations, such that the per-
20 son reasonably believes that he has no viable alternative
21 but to perform the labor or services.

22 “(c) This section does not apply to labor performed
23 as a punishment for a crime whereof the party shall have
24 been duly convicted.

25 “(d) CRIMINAL FORFEITURE.—

1 “(1) The court, in imposing sentence on any
2 person convicted of a violation of this section, shall
3 order, in addition to any other sentence imposed and
4 irrespective of any provision of State law, that such
5 person forfeit to the United States—

6 “(A) such person’s interest in any prop-
7 erty, real or personal, that was used or intended
8 to be used to commit or to facilitate the com-
9 mission of such violation; and

10 “(B) any property, real or personal, consti-
11 tuting or derived from, any proceeds that such
12 person obtained, directly or indirectly, as a re-
13 sult of such violation.

14 “(2) The criminal forfeiture of property under
15 this subsection, any seizure and disposition thereof,
16 and any administrative or judicial proceeding in re-
17 lation thereto, shall be governed by the provisions of
18 section 413 of the Comprehensive Drug Abuse Pre-
19 vention and Control Act of 1970 (21 U.S.C. 853),
20 except subsection (d) of that section.

21 “(e) CIVIL FORFEITURE.—(1) The following shall be
22 subject to forfeiture to the United States and no property
23 right shall exist in them—

1 “(A) any property, real or personal, used or in-
2 tended to be used to commit or to facilitate the com-
3 mission of any violation of this section; and

4 “(B) any property, real or personal, which con-
5 stitutes or is derived from proceeds traceable to any
6 violation of this section.

7 “(2) The provisions of chapter 46 of this title relating
8 to civil forfeitures shall extend to any seizure or civil for-
9 feiture under this subsection.

10 **“§ 1590. Unlawful possession of documents in further-**
11 **ance of trafficking, criminal worker ex-**
12 **ploitation, involuntary servitude, or pe-**
13 **onage**

14 “(a) Whoever destroys, conceals, removes, confiscates
15 or possesses any identification, passport or other immigra-
16 tion documents, or any other documentation of another
17 person—

18 “(1) in the course of, or under circumstances
19 which facilitate—

20 “(A) a violation of section 1581, 1583,
21 1584, or 1589 or a conspiracy or attempt to
22 commit such a violation;

23 “(B) the unlawful entry or attempted un-
24 lawful entry of the person into the United
25 States;

1 “(2) to prevent or restrict, without lawful au-
2 thority, the person’s liberty to move or travel in
3 interstate or foreign commerce; or

4 “(3) to conceal or impair the investigation or
5 prosecution of a violation of Federal criminal law,
6 shall be fined under this title or imprisoned for not
7 more than five years, or both.

8 **“§ 1591. Mandatory restitution**

9 “(a) IN GENERAL.—Notwithstanding sections 3663
10 or 3663A, and in addition to any other civil or criminal
11 penalties authorized by law, the court shall order restitu-
12 tion for any offense under this chapter.

13 “(b) SCOPE AND NATURE OF ORDER.—

14 “(1) The order of restitution under this section
15 shall direct the defendant to pay the victim (through
16 the appropriate court mechanism) the full amount of
17 the victim’s losses, as determined by the court under
18 paragraph (3) of this subsection.

19 “(2) An order of restitution under this section
20 shall be issued and enforced in accordance with sec-
21 tion 3664 in the same manner as an order under
22 section 3663A.

23 “(3) For purposes of this subsection, the term
24 ‘full amount of the victim’s losses’ has the same
25 meaning as provided in section 2259(b)(3) and shall

1 in addition include the greater of the gross income
2 or value to the defendant of the victim's services or
3 labor or the value of the victim's labor as guaranteed
4 under the minimum wage and overtime guarantees
5 of the Fair Labor Standards Act (29 U.S.C. § 201,
6 et seq.).

7 “(c) For purposes of this section, the term ‘victim’
8 means the individual harmed as a result of a crime under
9 this chapter, including, in the case of a victim who is
10 under 18 years of age, incompetent, incapacitated, or de-
11 ceased, the legal guardian of the victim or a representative
12 of the victim's estate, or another family member, or any
13 other person appointed as suitable by the court, but in
14 no event shall the defendant be named such representative
15 or guardian.

16 **“§ 1592. General provisions**

17 “(a) In a prosecution under section 1581, 1583,
18 1584, or 1589, a condition of involuntary servitude or pe-
19 onage may be established by proof that the defendant ob-
20 tained or maintained the labor or service of any person—

21 “(1) by the use, or threatened use, of force, vio-
22 lence, physical restraint or physical injury, or by the
23 use or threatened use of coercion through law or the
24 legal process;

1 “(2) through representations made to any per-
 2 son that physical harm may occur to that person, or
 3 to another, in an effort to wrongfully obtain or
 4 maintain the labor or services of that person; or

5 “(3) by the use of fraud, deceit, or misrepresen-
 6 tation toward any person in an effort to wrongfully
 7 obtain or maintain the labor or services of that per-
 8 son, where the person is a minor, an immigrant, one
 9 who is mentally disabled, or one who is otherwise
 10 particularly susceptible to coercion.

11 “(b) An attempt to violate section 1581, 1583, 1584,
 12 or 1589 shall be punishable in the same manner as a com-
 13 pleted violation of each of these sections, respectively.”;
 14 and

15 (5) By amending the sectional table for chapter
 16 77 to include the following additional items:

“§ 1589. Trafficking and criminal exploitation of workers

“§ 1590. Unlawful possession of documents in furtherance of trafficking, criminal worker exploitation, involuntary servitude, or peonage.

“§ 1591. Mandatory restitution.

“§ 1592. General provisions.”.

17 (b) AMENDMENT TO THE SENTENCING GUIDE-
 18 LINES.—

19 (1) Pursuant to its authority under section 994
 20 of title 28, United States Code, and in accordance
 21 with this section, the United States Sentencing Com-
 22 mission shall review and, if appropriate, amend the
 23 sentencing guidelines and policy statements applica-

1 ble to persons convicted of offenses involving the
2 trafficking of persons, including component or re-
3 lated crimes of peonage, involuntary servitude, slave
4 trade offenses, coercive worker exploitation, and pos-
5 session, transfer or sale of false immigration docu-
6 ments to further exploitation of workers, and the
7 Fair Labor Standards Act and the Migrant and Sea-
8 sonal Agricultural Worker Protection Act.

9 (2) In carrying out this subsection, the Sen-
10 tencing Commission shall—

11 (A) ensure that the sentencing guidelines
12 and policy statements applicable to the offenses
13 described in paragraph (1) of this subsection
14 are sufficiently stringent to deter such offenses
15 and adequately reflect the heinous nature of
16 such offenses;

17 (B) consider conforming the sentencing
18 guidelines applicable to offenses involving work-
19 er exploitation to the guidelines applicable to
20 peonage, involuntary servitude, and slave trade
21 offenses; and

22 (C) consider providing sentencing enhance-
23 ments for those convicted of the offenses de-
24 scribed in paragraph (1) of this subsection
25 that—

- 1 (i) involve a large number of victims;
- 2 (ii) involve a pattern of continued and
3 flagrant violations;
- 4 (iii) involve the use or threatened use
5 of a dangerous weapon; or
- 6 (iv) result in the death or bodily in-
7 jury of any person.

8 (3) The Commission may promulgate the guide-
9 lines or amendments under this subsection in ac-
10 cordance with the procedures set forth in section
11 21(a) of the Sentencing Act of 1987, as though the
12 authority under that Act had not expired.

13 SEC. 9. MONITORING INTERNATIONAL PROGRESS TO
14 ERADICATE TRAFFICKING IN PERSONS.—(a) MULTILAT-
15 ERAL EVALUATION AND ACTION TO GAIN INTER-
16 NATIONAL COOPERATION.—To ensure action to eradicate
17 trafficking by any recalcitrant country, it is the sense of
18 the Congress that the Secretary of State should undertake
19 the following actions:

- 20 (1) expand existing cooperative policies and pro-
21 grams consistent with the purposes of this Act;
- 22 (2) gauge progress toward the goal of elimi-
23 nating trafficking in individual countries and around
24 the globe; and

1 (3) urge the international community to iden-
2 tify, engage, and take strong multilateral action to
3 gain the cooperation of any country demonstrating
4 resistance to reflecting official condemnation of traf-
5 ficking in persons through policies and actions, in-
6 cluding making serious and sustained efforts to—

7 (A) vigorously prosecute and punish traf-
8 fickers at a level commensurate with the sever-
9 ity of the crime;

10 (B) investigate and prosecute official cor-
11 ruption that contributes to trafficking; and

12 (C) protect trafficking victims, including
13 working cooperatively with international and
14 non-governmental organizations.

15 (b) EXPANSION OF TREATMENT IN HUMAN RIGHTS
16 REPORT.—The Secretary of State, through the Assistant
17 Secretary of Democracy, Human Rights and Labor shall
18 expand reporting to Congress as part of the annual Coun-
19 try Report on Human Rights Practices to address the sta-
20 tus of international trafficking in persons (especially
21 women and children), including—

22 (1) a description of the nature and extent of
23 trafficking in persons in each country;

24 (2) a description and assessment of the efforts
25 of countries to combat trafficking through preven-

1 tion, protection, and assistance for victims and pros-
2 ecution and enforcement against traffickers; and

3 (3) the role of official corruption and official co-
4 operation or complicity trafficking.

5 Trafficking in persons shall receive separate treatment
6 within the reporting on each country.

7 (c) COOPERATION WITH NON-GOVERNMENTAL OR-
8 GANIZATIONS.—In compiling and providing the informa-
9 tion required by subsection (b) of this section, the Sec-
10 retary shall foster contacts with human rights and other
11 non-governmental organizations, including receiving re-
12 ports and updates from such organizations.

13 SEC. 10. AUTHORIZATION OF APPROPRIATIONS.—To
14 carry out the purposes of this Act there are authorized
15 to be appropriated to the Secretaries of State, Health and
16 Human Services, and Labor, the Attorney General, and
17 the Administrator of the U.S. Agency for International
18 Development such sums as may be necessary.

19 **SEC. 4008. BATTERED IMMIGRANT WOMEN.**

20 (a) FINDINGS.—Congress finds that—

21 (1) the goal of the immigration protections for
22 battered immigrants included in the Violence
23 Against Women Act of 1994 was to remove immi-
24 gration laws as a barrier that kept battered immi-

1 grant women and children locked in abusive relation-
2 ships;

3 (2) providing battered immigrant women and
4 children who were experiencing domestic violence at
5 home with protection against deportation allows
6 them to obtain protection orders against their abus-
7 ers and frees them to cooperate with law enforce-
8 ment and prosecutors in criminal cases brought
9 against their abusers and the abusers of their chil-
10 dren; and

11 (3) there are several groups of battered immi-
12 grant women and children who do not have access
13 to the immigration protections of the Violence
14 Against Women Act of 1994, which means that their
15 abusers are virtually immune from prosecution be-
16 cause their victims can be deported and the Immi-
17 gration and Naturalization Service cannot offer
18 them protection no matter how compelling their case
19 under existing law.

20 (b) PURPOSES.—The purposes of this section are—

21 (1) to promote criminal prosecutions of all per-
22 sons who commit acts of battery or extreme cruelty
23 against immigrant women and children;

24 (2) to offer protection against domestic violence
25 occurring in family and intimate relationships that

1 are covered in State or tribal protection order, do-
2 mestic violence, and family law statutes; and

3 (3) to correct the undermining of Violence
4 Against Women Act immigration protections that oc-
5 curred as a result of enactment of the Illegal Immi-
6 gration Reform and Immigrant Responsibility Act of
7 1996.

8 (c) EFFECT OF CHANGES IN ABUSERS' CITIZENSHIP
9 STATUS.—(1) Section 204(a)(1)(A) of the Immigration
10 and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended
11 by adding at the end the following new clause:

12 “(v) For the purposes of any petition
13 filed under clause (iii), (iv) or (vii) of sec-
14 tion 204(a)(1)(A), denaturalization, loss,
15 death or renunciation, or changes to the
16 abuser’s citizenship status after filing of
17 the petition shall not preclude the classi-
18 fication of the eligible self-petitioning
19 spouse, child, son or daughter as an imme-
20 diate relative.”.

21 (2) Section 204(a)(1)(B) of the Immigration and Na-
22 tionality Act (8 U.S.C. 1154(a)(1)(B)) is amended by add-
23 ing at the end the following new clause:

24 “(iv)(I) For the purposes of petitions
25 filed or approved under clause (ii), (iii), or

1 (vi) of section 204(a)(1)(B), loss of lawful
2 permanent residence status by a spouse or
3 parent or death of the lawful permanent
4 resident spouse or parent after the filing of
5 a petition under that clause shall not pre-
6 clude approval of the petition, and, for an
7 approved petition, shall not affect the
8 alien's ability to adjust status under sec-
9 tion 245(a) and (c) or obtain status as a
10 lawful permanent resident based on the ap-
11 proved self-petition under clause (ii), (iii)
12 or (vi).

13 “(II) Upon the lawful permanent resi-
14 dent spouse or parent becoming a United
15 States citizen through naturalization, ac-
16 quisition of citizenship, or other means,
17 any petition filed with the Immigration
18 and Naturalization Service and pending or
19 approved under section 204(a)(1)(B)(ii),
20 (iii), or (vi) on behalf of an alien who has
21 been battered or subjected to extreme cru-
22 elty may be deemed to be a petition filed
23 under section 204(a)(1)(A) of this Act
24 even if the acquisition of citizenship occurs
25 after divorce.”.

1 (3) Section 201(b)(2)(A) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1154(b)(2)(A)) is amended by add-
3 ing at the end the following sentence: “For purposes of
4 this definition, an alien who has filed a petition under
5 clause (iii), (iv) or (vii) of section 204(a)(1)(A) of this Act
6 remains an immediate relative in the event that the United
7 States Citizen spouse or parent loses United States citi-
8 zenship or dies after filing the petition.”.

9 (d) DETERMINATIONS OF GOOD MORAL CHAR-
10 ACTER.—

11 (1) CANCELLATIONS OF REMOVAL; SUSPEN-
12 SIONS OF DEPORTATION.—Section 240A(b) of the
13 Immigration and Nationality Act (8 U.S.C. 1229b)
14 is amended by adding at the end the following:

15 “(4) GOOD MORAL CHARACTER DETERMINA-
16 TION.—

17 “(A) IN GENERAL.—For the purposes of
18 making ‘good moral character’ determinations
19 under this paragraph, the Attorney General is
20 not limited by the criminal court record and
21 may make a finding of good moral character,
22 notwithstanding the existence of a disqualifying
23 criminal act or criminal conviction, when police
24 reports, court documents, or other contempora-
25 neous evidence demonstrate that the alien has

1 been battered or subjected to extreme cruelty.
2 This provision shall apply only in the case of an
3 alien who otherwise qualifies for relief under
4 section 240A(b), but who—

5 “(i) committed, was arrested for, was
6 convicted of, or pled guilty to, violating a
7 court order issued to protect the alien; or

8 “(ii) committed, was arrested for, was
9 convicted of, or pled guilty to, prostitution,
10 if the alien was forced into prostitution by
11 an abuser; or

12 “(iii) committed, was arrested for,
13 was convicted of, or pled guilty to, commit-
14 ting a crime where there was a connection
15 between the commission of the crime and
16 the alien’s having been battered or sub-
17 jected to extreme cruelty; or

18 “(iv) committed, was arrested for, was
19 convicted of, or pled guilty to, a domestic
20 violence-related crime if the Attorney Gen-
21 eral determines that the alien acted in self-
22 defense.

23 “(5) INCLUSION OF OTHER ALIENS IN PETI-
24 TION.—An alien applying for relief under section
25 244(a)(3) (as in effect before the enactment of the

1 Illegal Immigration Reform and Immigrant Respon-
2 sibility Act of 1996) or this subsection may
3 include—

4 “(A) the alien’s children in the alien’s ap-
5 plication, if such children are physically present
6 in the United States at the time of the applica-
7 tion, and, if the alien is found eligible for sus-
8 pension, the Attorney General may adjust the
9 status of the alien’s children; or

10 “(B) the alien’s parent in the alien child’s
11 application in the case of an application filed by
12 an alien child who was abused by a citizen or
13 lawful permanent resident parent and, if the
14 alien is found eligible for suspension, the Attor-
15 ney General may adjust the status of both the
16 alien child applicant and the alien’s parent.

17 “(6) INCLUSION OF OTHER ALIENS IN CAN-
18 CELLATION OF REMOVAL APPLICATIONS.—An alien
19 applying for relief under section 240A(b)(2) may
20 include—

21 “(A) the alien’s children in the alien’s ap-
22 plication and, if the alien is found eligible for
23 cancellation, the Attorney General may adjust
24 the status of the alien’s children; or

1 “(B) the alien’s parent or child in the alien
2 child’s (as defined in section 101(b)(1)(G)) ap-
3 plication in the case of an application filed by
4 an alien who was abused by a citizen or lawful
5 permanent resident parent and, if the alien
6 child is found eligible for cancellation, the At-
7 torney General may adjust the status of the
8 alien child applicant and the alien child’s parent
9 and child.

10 “(7) DETERMINATIONS UNDER SUSPENSION OF
11 DEPORTATION.—

12 “(A) IN GENERAL.—For the purposes of
13 making good moral character determinations
14 under section 244(a)(3) of the Immigration and
15 Nationality Act (as in effect before the enact-
16 ment of the Illegal Immigration Reform and
17 Immigrant Responsibility Act of 1996), the At-
18 torney General is not limited by the criminal
19 court record and may make a finding of good
20 moral character, notwithstanding the existence
21 of a disqualifying criminal act or criminal con-
22 viction, when police reports, court documents,
23 or other contemporaneous evidence demonstrate
24 that the alien has been battered or subjected to
25 extreme cruelty. This provision shall apply only

1 in the case of an alien who otherwise qualifies
2 for relief under section 244(a)(3) of the Immi-
3 gration and Nationality Act (as in effect before
4 the enactment of the Illegal Immigration Re-
5 form and Immigrant Responsibility Act of
6 1996), and who—

7 “(i) committed, was arrested for, was
8 convicted of, or who pled guilty to, vio-
9 lating a court, order issued to protect the
10 alien;

11 “(ii) committed, was arrested for, was
12 convicted of, or who pled guilty to, pros-
13 titution if the alien was forced into pros-
14 titution by an abuser;

15 “(iii) committed, was arrested for,
16 was convicted of, or pled guilty to, commit-
17 ting where there was a connection between
18 the commission of the crime and the
19 alien’s having been battered or subjected to
20 extreme cruelty; or

21 “(iv) committed, was arrested for, was
22 convicted of, or pled guilty to, a domestic
23 violence-related crime if the Attorney Gen-
24 eral determines that the alien acted in self-
25 defense.”.

1 (2) IMMEDIATE RELATIVE STATUS.—Section
2 204(a)(1)(A) of the Immigration and Nationality
3 Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
4 at the end the following new clause:

5 “(vi)(I) For the purposes of making
6 good moral character determinations under
7 this subparagraph, the Attorney General is
8 not limited by the criminal court record
9 and may, in her sole and unreviewable dis-
10 cretion, make a finding of good moral
11 character, notwithstanding the existence of
12 a disqualifying criminal act or criminal
13 conviction, when police reports, court docu-
14 ments, or other contemporaneous evidence
15 demonstrate that the alien has been bat-
16 tered or subjected to extreme cruelty. This
17 provision shall apply only in the case of an
18 alien who otherwise qualifies for relief
19 under section 204(a)(1)(A)(iii), (iv) or
20 (vii), and who—

21 “(aa) committed, was arrested
22 for, was convicted of, or pled guilty to,
23 violating a court order issued to pro-
24 tect the alien;

1 “(bb) committed, was arrested
2 for, was convicted of, or pled guilty to,
3 prostitution if the alien was forced
4 into prostitution by an abuser;

5 “(cc) committed, was arrested
6 for, was convicted of, or pled guilty to,
7 committing a crime where there was a
8 connection between the commission of
9 the crime and the alien’s having been
10 battered or subjected to extreme cru-
11 elty; or

12 “(dd) committed, was arrested
13 for, was convicted of, or pled guilty to,
14 a domestic violence-related crime, if
15 the Attorney General determines that
16 the alien acted in self-defense.”.

17 (3) SECOND PREFERENCE IMMIGRATION STA-
18 TUS.—Section 204(a)(1)(B) of the Immigration and
19 Nationality Act (8 U.S.C. 1154(a)(1)(B)) is amend-
20 ed by inserting after clause (iv) the following:

21 “(v)(I) For the purposes of making
22 good moral character determinations under
23 this subparagraph, the Attorney General is
24 not limited by the criminal court record
25 and may, in her sole and unreviewable dis-

1 cretion, make a finding of good moral
2 character, notwithstanding the existence of
3 a disqualifying criminal act or criminal
4 conviction, when police reports, court docu-
5 ments, or other contemporaneous evidence
6 demonstrate that the alien has been bat-
7 tered or subjected to extreme cruelty. This
8 provision shall apply only in the case of an
9 alien who otherwise qualifies for relief
10 under section 204(a)(1)(B)(ii), (iii) or (vi),
11 and who—

12 “(aa) committed, was arrested
13 for, was convicted of, or who pled
14 guilty to, violating a court order
15 issued to protect the alien;

16 “(bb) committed, was arrested
17 for, was convicted of, or pled guilty to,
18 prostitution where the alien was
19 forced into prostitution by an abuser;

20 “(cc) committed, was arrested
21 for, was convicted of, or pled guilty to,
22 committing a crime where there was a
23 connection between the commission of
24 the crime and the alien’s having been

1 battered or subjected to extreme cru-
2 elty; or

3 “(dd) committed, was arrested
4 for, was convicted of, or pled guilty to,
5 a domestic violence-related crime, if
6 the Attorney General determines that
7 the alien acted in self-defense.”.

8 (e) WAIVERS OF INADMISSIBILITY.—

9 (1) DISCRETIONARY WAIVERS FOR CERTAIN IN-
10 ADMISSIBILITY AND REMOVAL GROUNDS.—Section
11 212 of the Immigration and Nationality Act (8
12 U.S.C. 1182) is amended by adding at the end the
13 following:

14 “(r) WAIVER OF SECTION 212.—The Attorney Gen-
15 eral, in the Attorney General’s sole and unreviewable dis-
16 cretion, may waive any provision of section 212 (other
17 than paragraphs (3), (10)(A), (10)(D), and (10)(E) of
18 subsection (a)) for humanitarian purposes, to assure fam-
19 ily unity, or when it is otherwise in the public interest,
20 if the alien demonstrates a connection between the crime
21 or disqualifying act and battery or extreme cruelty and
22 the alien qualifies for—

23 “(1) status under clause (iii), (iv) or (vii) of
24 section 204(a)(1)(A) or classification under clause
25 (ii), (iii) or (vi) of section 204(a)(1)(B); or

1 “(2) relief under section 240A(b)(2) or
2 244(a)(3) (as in effect before the enactment of the
3 Illegal Immigration Reform and Immigrant Respon-
4 sibility Act of 1996).”.

5 (2) CONFORMING AMENDMENTS.—(A) Section
6 212(a)(6)(A)(ii) of the Immigration and Nationality
7 Act (8 U.S.C. 1182) is amended by striking sub-
8 clause (II); and

9 (B) Section 212(a)(9)(B)(iii) of the Immigra-
10 tion and Nationality Act is amended by striking sub-
11 clause (IV).

12 (f) WAIVER OF CERTAIN REMOVAL GROUNDS.—Sec-
13 tion 237(a)(2)(E) of the Immigration and Nationality Act
14 (8 U.S.C. 1227(a)(2)(E)) is amended by inserting at the
15 end the following new clause:

16 “(iii) WAIVER.—The Attorney General
17 may waive the application of clauses (i)
18 and (ii)—

19 “(I) upon determination that—

20 “(aa) the alien was acting in
21 self-defense,

22 “(bb) the alien was not the
23 primary perpetrator of violence in
24 the relationship,

1 “(cc) the alien was found to
2 have violated a protection order
3 intended to protect the alien, or

4 “(dd) the alien committed,
5 was arrested for, was convicted
6 of, or plead guilty to committing
7 a crime where there was a con-
8 nection between the crime and
9 having been battered or subjected
10 to extreme cruelty, or

11 “(II) for humanitarian purposes.

12 “(III) such waiver shall not be
13 available if the alien was the primary
14 perpetrator of violence in the relation-
15 ship.”.

16 (g) PROCEDURE FOR GRANTING IMMIGRANT STA-
17 TUS.—

18 (1) DEFINITION.—Section 101(a)(35) of the
19 Immigration and Nationality Act (8 U.S.C.
20 1101(a)(35)) is amended by adding at the end the
21 following: “For the purposes of a self-petition under
22 section 204(a)(1)(A)(iii) or (vii) or 204(a)(1)(B)(ii)
23 or (vi), cancellation of removal under 240A(b)(2), or
24 suspension of deportation under section 244(a)(3) of
25 the Act (as in effect before the title III–A effective

1 date in section 309 of the Illegal Immigration Re-
2 form and Immigrant Responsibility Act of 1996),
3 the term ‘spouse’ shall include a United States cit-
4 izen or lawful permanent resident to whom the alien
5 believed he or she had married and with whom a
6 marriage ceremony was actually performed, and who
7 otherwise meets any applicable requirements under
8 the Act to establish the existence and bona fides of
9 a marriage, but whose marriage is not legitimate
10 solely because of the United States citizen or lawful
11 permanent resident’s bigamy.”.

12 (2) CONFORMING AMENDMENTS.—Sections
13 204(a)(1)(A)(iii) and (vii), 204(a)(1)(B)(ii) and (vi),
14 240A(b)(2)(A) and 244(a)(3) as in effect before the
15 title III–A effective date in section 309 of the Illegal
16 Immigration Reform and Immigrant Responsibility
17 Act of 1996 (Public Law No. 104–208, Div. C, 110
18 Stat. 3009–546, 3009–625 (8 U.S.C. 1101 note))
19 are amended by inserting after “spouse” the fol-
20 lowing clause: “, including a spouse defined under
21 Section 101(a)(35),”.

22 (3) SELF-PETITIONING CHILDREN OF CITI-
23 ZENS.—Section 204(a)(1)(A)(iv) of the Immigration
24 and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv) is
25 amended to read as follows:

1 “(iv) An alien who is the child of a
2 citizen of the United States, who is a per-
3 son of good moral character, who is eligible
4 to be classified as an immediate relative
5 under section 201(b)(2)(A)(i), and who has
6 resided with or had visitation in the United
7 States with the citizen parent (or has re-
8 sided with or had visitation within or out-
9 side the territory of the United States with
10 the citizen parent at the assigned foreign
11 duty station if the alien’s parent is an em-
12 ployee of the Department of State or a
13 member of the United States Uniformed
14 Forces stationed abroad) may file a peti-
15 tion with the Attorney General under this
16 subparagraph for classification of the alien
17 (and any child of such alien) under such
18 section upon such showing and during such
19 period of residence or visitation with the
20 citizen parent the alien has been battered
21 by or has been the subject of extreme cru-
22 elty perpetrated by the alien’s citizen par-
23 ent.”.

24 (4) SELF-PETITIONING CHILDREN OF LAWFUL
25 PERMANENT RESIDENTS.—Section 204(a)(1)(B)(iii)

1 of the Immigration and Nationality Act (8 U.S.C.
2 1154(a)(1)(B)(iii)) is amended to read as follows:

3 “(iii) An alien who is the child of an
4 alien lawfully admitted for permanent resi-
5 dence, who is a person of good moral char-
6 acter, who is eligible for classification
7 under section 203(a)(2)(A), and who has
8 resided with or had visitation in the United
9 States with the alien’s permanent resident
10 alien parent (or has resided with or had
11 visitation within or outside the territory of
12 the United States with the lawful perma-
13 nent resident parent at the assigned for-
14 eign duty station if the alien’s parent is an
15 employee of the Department of State or a
16 member of the United States Uniformed
17 Forces stationed abroad) may file a peti-
18 tion with the Attorney General under this
19 subparagraph for classification of the alien
20 (and any child of such alien) under such
21 section upon such showing and during such
22 period of residence or visitation with the
23 permanent resident parent the alien has
24 been battered by or has been the subject

1 of extreme cruelty perpetrated by the
2 alien’s permanent resident parent.”.

3 (5) FILING OF PETITIONS.—(A) Section
4 204(a)(1)(A) of the Immigration and Nationality
5 Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding
6 at the end the following new clause:

7 “(viii) An alien who is the spouse,
8 child, son or daughter of an employee of
9 the Department of State or the United
10 States Uniformed Forces stationed abroad
11 and who would be eligible to file a petition
12 under clause (iii), (iv) or (vi), of this sub-
13 paragraph if the alien had resided with the
14 alien’s spouse or parent in the United
15 States may file such petition with the At-
16 torney General.”.

17 (B) Section 204(a)(1)(B) of the Immigration
18 and Nationality Act (8 U.S.C. 1154(a)(1)(B)) is
19 amended by adding at the end the following new
20 clause:

21 “(vii) An alien who is the spouse, or
22 child of an employee of the Department of
23 State or the United States Armed Forces
24 stationed abroad and who would be eligible
25 to file a petition under clause (ii), (iii), or

1 (vi) of this subparagraph if the alien had
2 resided with the alien's spouse or parent in
3 the United States may file such petition
4 with the Attorney General.”.

5 (6) ADJUSTMENT OF STATUS.—(A) Section
6 245 of the Immigration and Nationality Act (8
7 U.S.C. 1255) is amended—

8 (i) in subsection (a), by inserting “, or the
9 status of any other alien having an approved
10 petition for classification under subparagraph
11 (A)(iii), (A)(iv), (A)(vii), (B)(ii), (B)(iii), or
12 (B)(vi) of section 204(a)(1),” after “into the
13 United States”;

14 (ii) in subsection (c), by inserting at the
15 beginning the following:

16 Other than an alien having an approved petition for
17 classification under subparagraph (A)(iii), (A)(iv),
18 (A)(vii), (B)(ii), (B)(iii), or (B)(vi) of section
19 204(a)(1), subsection (a) shall not be applicable to”.

20 (B) The amendments made by paragraph (1)
21 shall apply to applications for adjustment of status
22 pending on or made on or after January 14, 1998.

23 (h) ELIMINATING TIME LIMITATIONS ON MOTIONS
24 TO REOPEN REMOVAL AND DEPORTATION PROCEEDINGS
25 FOR VICTIMS OF DOMESTIC VIOLENCE.—

1 (1) REMOVAL PROCEEDINGS.—

2 (A) IN GENERAL.—Section 240(c)(6)(C) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1229a(c)(6)(C)) is amended by adding at the
5 end the following:

6 “(iv) SPECIAL RULE FOR BATTERED
7 SPOUSES AND CHILDREN.—If the basis of
8 the motion is to apply for relief or adjust-
9 ment of status based on a petition filed
10 under clause (iii), (iv), or (vii) of section
11 204(a)(1)(A), clause (ii), (iii), or (vi) of
12 section 204(a)(1)(B), or section
13 240A(b)(2) and if the motion is accom-
14 panied by evidence of exigent cir-
15 cumstances and by a cancellation of re-
16 moval application to be filed with the At-
17 torney General, or by a copy of the self-pe-
18 tition that will be filed with the Immigra-
19 tion and Naturalization Service upon the
20 granting of the motion to reopen, the mo-
21 tion to reopen may be granted in the At-
22 torney General’s sole and unreviewable dis-
23 cretion.”.

24 (B) EFFECTIVE DATE.—The amendments
25 made by subparagraph (A) shall take effect as

1 if included in the enactment of section 304 of
2 the Illegal Immigration Reform and Immigrant
3 Responsibility Act of 1996 (Public Law No.
4 104–208, Div. C., 110 Stat. 3009–546, 3009–
5 589 (8 U.S.C. 1229(a))).

6 (2) DEPORTATION PROCEEDINGS.—

7 (A) IN GENERAL.—Notwithstanding any
8 limitation imposed by law on motions to reopen
9 deportation proceedings under the Immigration
10 and Nationality Act (as in effect before the title
11 III–A effective date in section 309 of the Illegal
12 Immigration Reform and Immigrant Responsi-
13 bility Act of 1996 (8 U.S.C. 1101 note)), if the
14 basis of the motion is to apply for relief or ad-
15 justment of status based on a petition filed
16 under clause (iii), (iv), or (vii) of section
17 204(a)(1)(A), clause (ii), (iii), or (vi) of section
18 204(a)(1)(B), or section 240A(b)(2) and if the
19 motion is accompanied by evidence of exigent
20 circumstances and by a cancellation of removal
21 application to be filed with the Attorney Gen-
22 eral, or by a copy of the self-petition that will
23 be filed with the Immigration and Naturaliza-
24 tion Service upon the granting of the motion to
25 reopen, the motion to reopen may be granted in

1 the Attorney General's sole and unreviewable
2 discretion.

3 (B) APPLICABILITY.—Subparagraph (a)
4 shall apply to motions filed by aliens who—

5 (i) are, or were, in deportation pro-
6 ceedings under the Immigration and Na-
7 tionality Act (as in effect before the title
8 III–A effective date in section 309 of the
9 Illegal Immigration Reform and Immigrant
10 Responsibility Act of 1996 (8 U.S.C. 1101
11 note)); and

12 (ii) have become eligible to apply for
13 relief under clause (iii), (iv) or (vii) of sec-
14 tion 204(a)(1)(A) of the Immigration and
15 Nationality Act, clause (ii), (iii), or (vi) of
16 section 204(A)(1)(B) of such Act, or sec-
17 tion 244(a)(3) of such Act (as in effect be-
18 fore) the title III–A effective date in sec-
19 tion 309 of the Illegal Immigration Reform
20 and Immigration Responsibility Act of
21 1996 (8 U.S.C. 1101 note)) as a result of
22 the amendments made by—

23 (I) subtitle G of title IV of the
24 Violent Crime Control and Law En-

1 enforcement Act of 1994 (Public Law
2 103–322; 108 Stat. 1953 et seq.); or
3 (II) section 5008 of this Act.

4 (i) CANCELLATION OF REMOVAL; ADJUSTMENT OF
5 STATUS.—(1)(A) Paragraph (1) of section 240A(d) of the
6 Immigration and Nationality Act (8 U.S.C. 1229b(d)(1))
7 is amended to read as follows:

8 “(1) TERMINATION OF CONTINUOUS PERIOD.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), for purposes of this section,
11 any period of continuous residence or contin-
12 uous physical presence in the United States
13 shall be deemed to end when the alien is served
14 a notice to appear under section 239(a) or when
15 the alien has committed an offense referred to
16 in section 212(a)(2) that renders the alien inad-
17 missible to the United States or removable from
18 the United States under section 237(a)(2) or
19 237(a)(4), whichever is earliest.

20 “(B) SPECIAL RULE FOR BATTERED
21 SPOUSE OR CHILD.—For purposes of subsection
22 (b)(2), the service of a notice to appear referred
23 to in subparagraph (A) shall not be deemed to
24 end any period of continuous physical presence
25 in the United States.”.

1 (B) Section 240A(e)(3) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1229b(d)(1)) is amended by adding
3 at the end the following new subsection:

4 “(C) Aliens in removal proceedings who
5 applied for cancellation of removal under sec-
6 tion 240A(b)(2).”.

7 (C) The amendments made by subparagraphs (A)
8 and (B) shall take effect as if included in the enactment
9 of section 304 of the Illegal Immigration Reform and Im-
10 migrant Responsibility Act of 1996 (Public Law 104–208;
11 110 Stat. 587).

12 (2)(A) Section 309(c)(5)(C) of the Illegal Immigra-
13 tion Reform and Immigrant Responsibility Act of 1996
14 (8 U.S.C. 1101 note) is amended—

15 (i) by amending the subparagraph heading to
16 read as follows:

17 “(C) SPECIAL RULE FOR CERTAIN ALIENS
18 GRANTED TEMPORARY PROTECTION FROM DE-
19 PORTATION AND FOR BATTERED SPOUSES AND
20 CHILDREN.”; and

21 (ii) in clause (i)—

22 (I) by striking “or” at the end of subclause
23 (IV);

24 (II) by striking the period at the end of
25 subclause (V) and inserting “; or”; and

1 (III) by adding at the end the following:

2 “(VI) is an alien who was issued
3 an order to show cause or was in de-
4 portation proceedings prior to April 1,
5 1997, and who applied for suspension
6 of deportation under section 244(a)(3)
7 of the Immigration and Nationality
8 Act (as in effect before the date of the
9 enactment of this Act).”.

10 (B) The amendments made by subparagraph (A)
11 shall take effect as if included in the enactment of section
12 309 of the Illegal Immigration Reform and Immigrant Re-
13 sponsibility Act of 1996 (8 U.S.C. 1101 note).

14 (3) Section 240A(d)(2) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1229b(d)(2)) is amended by adding
16 at the end the following: “The Attorney General may
17 waive the provisions of this subsection in the case of an
18 alien applying for cancellation of removal as a battered
19 spouse or child provided that the alien demonstrates that
20 the absences were connected to the battery or extreme cru-
21 elty forming the basis for the application for cancellation
22 of removal.”.

23 (4) Section 244(a)(3) of the Immigration and Nation-
24 ality Act (as in effect before the title III–A effective date
25 of the Illegal Immigration Reform and Immigrant Respon-

1 sibility Act of 1996, (Public Law No. 104–208, Div. C,
2 110 Stat. 3009–546, 3009–625 (8 U.S.C. 1101 note)))
3 is amended by adding at the end the following: “The At-
4 torney General may waive the physical presence require-
5 ment for humanitarian purposes if the alien demonstrates
6 a connection between the absences and the battery or ex-
7 tremely cruelty forming the basis of the application for sus-
8 pension of deportation.”.

9 (j) EFFECT ON OTHER GOALS.—Section 287(g)(10)
10 of the Immigration and Nationality Act (8 U.S.C.
11 1357(g)(10)) is amended by adding at the end the fol-
12 lowing: “It is the intent of the Congress that none of the
13 provisions in this section have the effect of discouraging
14 crime victim cooperation with law enforcement and pros-
15 ecutors. Public policy favors encouraging prosecution of
16 criminals and nothing in this section shall be construed
17 to discourage crime victims, including domestic violence
18 victims, from reporting crimes committed against them to
19 police, from cooperating in criminal prosecutions, or from
20 obtaining from courts protection orders or other legal re-
21 lief under State and Federal laws needed to protect crime
22 victims from ongoing violence.”.

23 (k) ENSURING PROTECTION FOR ABUSED CHILDREN
24 AND CHILDREN OF BATTERED IMMIGRANTS.—Section

1 101(b)(1) of the Immigration and Nationality Act (8
2 U.S.C. 1101(b)(1)) is amended—

3 (1) by striking “or” at the end of subparagraph
4 (E);

5 (2) by striking the period at the end of sub-
6 paragraph (F) and inserting “; or”; and

7 (3) by adding at the end the following:

8 “(G) a child who turns 21 years old re-
9 mains a child under this section for the pur-
10 poses of clauses (iii) and (iv) of section
11 204(a)(1)(A), clauses (ii) and (iii) of section
12 204(a)(1)(B), section 240A(b)(2), and section
13 244(a)(3) (as in effect before the date of the
14 enactment of the Illegal Immigration reform
15 and Immigrant Responsibility Act of 1996) if,
16 on the date a petition or application was filed
17 by the child or their parent under any of these
18 sections the child—

19 “(i) met the definition of child in sub-
20 paragraphs (A) through (F) of this para-
21 graph; and

22 “(ii) was under the age of 21 on the
23 date the application or petition was filed.”.

24 (I) IMMEDIATE RELATIVE STATUS FOR SELF-PETI-
25 TIONING SON OR DAUGHTER OF U.S. CITIZEN.—Section

1 204(a)(1)(A) of the Immigration and Nationality Act (8
2 U.S.C. 1154(a)(1)(A)), as amended by subsection (d)(2)
3 of this Act, is amended by adding at the end the following:

4 “(vii) An alien who is the son or
5 daughter of a citizen of the United States,
6 who is a person of good moral character,
7 who is eligible for classification by reason
8 of a relationship described in paragraph
9 (1) of section 203(a), and who resides or
10 has resided, including visitation, in the
11 past with the citizen parent may file a pe-
12 tition with the Attorney General under this
13 clause for classification of the alien (and
14 any child of such alien) under such section
15 if the alien demonstrates to the Attorney
16 General that during the period of residence
17 or visitation with the citizen parent the
18 alien has been battered by, or has been the
19 subject of extreme cruelty perpetrated by,
20 the alien’s citizen parent, and the battery
21 or extreme cruelty occurred before the son
22 or daughter reached the age of 21.”.

23 (m) SECOND PREFERENCE STATUS FOR SELF-PETI-
24 TIONING SON OR DAUGHTER OF LAWFUL PERMANENT
25 RESIDENT.—Section 204(a)(1)(B) of the Immigration

1 and Nationality Act (8 U.S.C. 1154(a)(1)(b)) is amended
2 by adding at the end the following:

3 “(vi) An alien who is the son or
4 daughter of lawful permanent resident of
5 the United States, who is a person of good
6 moral character, who is eligible for classi-
7 fication by reason of a relationship de-
8 scribed in paragraph (2) of section 203(a),
9 and who resides or has resided, including
10 visitation, in the past with the lawful per-
11 manent resident parent may file a petition
12 with the Attorney General under this
13 clause for classification of the alien under
14 such section if the alien demonstrates to
15 the Attorney General that during the pe-
16 riod of residence, or visitation, with the
17 lawful permanent resident parent the alien
18 has been battered by, or has been the sub-
19 ject of extreme cruelty perpetrated by, the
20 alien’s lawful permanent resident parent,
21 and the battery or extreme cruelty oc-
22 curred before the son or daughter reached
23 the age of 21.”.

24 (n) TREATMENT OF DERIVATIVES.—Section 203(d)
25 of the Immigration and Nationality Act (8 U.S.C.

1 1153(d)) is amended by adding at the end the following:
2 “In the case of alien sons and daughters who were in-
3 cluded as children in self-petitions filed under sections
4 204(a)(1)(A)(iii) and 204(a)(1)(B)(ii) upon the derivative
5 child’s 21st birthday their immigration classification shall
6 be regarded as having been approved, or if not yet ap-
7 proved, may be approved, for status under section
8 203(a)(1), (2) or (3), whichever is applicable. The deriva-
9 tive will retain the same priority date as the priority date
10 of the self-petition filed under section 204(a)(1)(A)(iii) or
11 204(a)(1)(B)(ii) and shall remain eligible for deferred ac-
12 tion and work authorization.

13 (o) STATUTORY CONSTRUCTION ON LEGAL ASSIST-
14 ANCE FUNDS.—Section 502 of the Departments of Com-
15 merce, Justice and State, the Judiciary and Related Agen-
16 cies Appropriations Act, 1998 (Public Law 105–119) is
17 amended by adding at the end the following:

18 “(c) This section shall not be construed to prohibit
19 a recipient from—

20 (1) using funds derived from a source other
21 than the Legal Services Corporation to provide re-
22 lated legal assistance (as that term is defined in sub-
23 section (b)(2)) to any alien has a relationship cov-
24 ered by the domestic violence laws of the State in

1 which the alien who resides or in which an incidence
2 of violence occurred;

3 “(2) using Legal Services Corporation funds to
4 provide related legal assistance to any alien who has
5 been battered or subjected to extreme cruelty who
6 qualifies for relief under clause (iii), (iv), or (vii) of
7 section 204(a)(1)(A) or clause (ii), (iii), or (vi) of
8 section 204(a)(1)(B) of the Immigration and Na-
9 tionality Act (8 U.S.C. 1154(a)(1)(B)).”.

10 (p) REPORT.—Not later than one year after the date
11 of enactment of this Act, the Attorney General shall sub-
12 mit a report to the Committees on the Judiciary of the
13 Senate and House of Representatives on—

14 (1) the number of and processing times of peti-
15 tions under clauses (iii) and (iv) of section
16 204(a)(1)(A) (8 U.S.C. 1154(a)(1)(A)) and clauses
17 (ii) and (iii) of section 204(a)(1)(B) (8 U.S.C.
18 1154(a)(1)(B)) at district offices of the Immigration
19 and Naturalization Service and at the regional office
20 of the Service in St. Albans, Vermont;

21 (2) the policy and procedures of the Immigra-
22 tion and Naturalization Service by which an alien
23 who has been battered or subjected to extreme cru-
24 elty who is eligible for suspension of deportation or
25 cancellation of removal can place such alien in de-

1 portation or removal proceedings so that such alien
2 may apply for suspension of deportation or cancella-
3 tion of removal, the number of requests filed at each
4 district office under this policy and the number of
5 these requests granted broken out by District; and

6 (3) the average length of time at each Immigra-
7 tion and Naturalization office between the date that
8 an alien who has been subject to battering or ex-
9 tremely eligible for suspension of deportation
10 or cancellation of removal requests to be placed in
11 deportation or removal proceedings and the date
12 that an immigrant appears before an immigration
13 judge to file an application for suspension of depor-
14 tation or cancellation of removal.

15 (q) NONAPPLICABILITY OF SPECIAL RULES RELAT-
16 ING TO THE TREATMENT OF NON-213A ALIENS.—Section
17 408(f)(6) of the Social Security Act (42 U.S.C. 608(f)(6))
18 is amended—

19 (1) in subparagraph (B), by striking “or” at
20 the end;

21 (2) in subparagraph (C), by striking the period
22 and inserting “; or”; and

23 (3) by adding at the end the following:

24 “(D) described in section 421(f) of the
25 Personal Responsibility and Work Opportunity

1 Reconciliation Act of 1996 (8 U.S.C. 1631(f))
2 but for the fact that the individual is a non-
3 213A alien.”.

4 (r) REDUCING AN ABUSER’S CONTROL OVER A BAT-
5 TERED IMMIGRANT’S IMMIGRATION CASE.—Section 205
6 of the Immigration and Nationality Act is amended by
7 adding at the end thereof the following: “When a bene-
8 ficiary of a petition filed under section 204 provides the
9 Attorney General with credible evidence of battery or ex-
10 tremely cruelty as defined in sections 216(c)(4)(C) and
11 204(a)(1)(A) or 204(a)(1)(B), the Attorney General shall
12 adjudicate the application filed under section 204 even
13 when the petitioner withdraws the application, when the
14 petitioner fails to appear at the interview, when the peti-
15 tioner has failed to file an affidavit of support, or when
16 the petitioner’s actions could result or resulted in the rev-
17 ocation of the petition.”.

18 **SEC. 4009. REAUTHORIZATION AND AMENDMENT OF PRO-**
19 **GRAMS UNDER THE FAMILY VIOLENCE PRE-**
20 **VENTION AND SERVICES ACT.**

21 (a) SECRETARIAL RESPONSIBILITIES.—Section
22 305(a) of the Family Violence Prevention and Services Act
23 (42 U.S.C. 10404(a)) is amended—

24 (1) by striking “an employee” and inserting
25 “one or more employees”; and

1 (2) by striking “individual” and inserting “indi-
2 viduals”.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—Section 310(a) of that Act
5 (42 U.S.C. 10409(a)) is amended by striking all
6 that follows “to carry out this title” and inserting
7 “\$102,300,000 for fiscal such sums as may be nec-
8 essary for each of fiscal years 2001 through 2005.”.

9 (2) SECRETARY’S SET-ASIDE.—Section 310 of
10 that Act (42 U.S.C. 10409) is amended—

11 (A) by redesignating subsections (b), (c),
12 (d), and (e) as subsections (c), (d), (e), and (f),
13 respectively;

14 (B) by inserting after subsection (a) the
15 following subsection:

16 “(b) SECRETARY’S SET-ASIDE.—Of the amounts ap-
17 propriated under subsection (a) for each fiscal year, 1.5
18 percent shall be used by the Secretary for monitoring,
19 stewardship, and administrative activities related to sec-
20 tions 303, 308, 311, and 316 of this Act (42 U.S.C.
21 10402, 10407, 10410, and 10416), and shall remain avail-
22 able until expended for such purposes.”; and

23 (C) by inserting after the words “for each
24 fiscal year” in each place where such words ap-
25 pear in subsections (c), (d), and (e) (as redesi-

1 nated by subparagraph (A)), the following:
2 “and remaining after the set-aside required by
3 subsection (b)”.

4 (c) STATE DOMESTIC VIOLENCE COALITIONS: ELIMI-
5 NATION OF SEPARATE AUTHORIZATION OF APPROPRIA-
6 TIONS.—Section 311 of that Act (42 U.S.C. 10410) is
7 amended—

8 (1) by striking subsection (g); and

9 (2) by redesignating subsection (h) as sub-
10 section (g).

11 (d) NATIONAL DOMESTIC VIOLENCE HOTLINE
12 GRANT.—Section 316(f) of that Act (42 U.S.C. 10416(f))
13 is amended by striking all that follows “to carry out this
14 section” and inserting “such sums as may be necessary
15 for each of fiscal years 2001 through 2005.”.

16 (e) DEMONSTRATION GRANTS FOR COMMUNITY INI-
17 TIATIVES.—Section 318(h) of that Act (42 U.S.C.
18 10418(h)) is amended by striking all that follows “to carry
19 out this section” and inserting “such sums as may be nec-
20 essary for each of fiscal years 2001 through 2005.”.

21 (f) CULTURALLY APPROPRIATE SEXUAL ASSAULT
22 SERVICES FOR UNDERSERVED POPULATIONS.—That Act
23 is amended by adding the following section:

1 **“SEC. 319. CULTURALLY APPROPRIATE SEXUAL ASSAULT**
2 **PREVENTION AND TREATMENT SERVICES**
3 **FOR UNDERSERVED POPULATIONS.**

4 “(a) IN GENERAL.—The Secretary may, directly or
5 by grant or contract, provide for culturally appropriate
6 sexual assault prevention and treatment services for un-
7 derserved populations, including ethnic minority popu-
8 lations, rural communities, American Indians and Alaskan
9 Natives, and people with disabilities.

10 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 \$1,500,000 for fiscal year 2001 and such sums as may
13 be necessary for each of fiscal years 2002 through 2005.”.

14 (g) MONITORING VIOLENCE AGAINST WOMEN.—
15 That Act, as amended by subsection (f), is further amend-
16 ed by adding the following section:

17 **“SEC. 320. MONITORING VIOLENCE AGAINST WOMEN.**

18 “(a) NATIONAL SURVEY OF VIOLENCE AGAINST
19 WOMEN.—The Secretary may, directly or by grant or con-
20 tract, and in cooperation with the Attorney General, con-
21 duct a biennial survey of violence against women.

22 “(b) MONITORING DOMESTIC VIOLENCE AND SEX-
23 UAL ASSAULT THROUGH EXISTING DATA.—The Sec-
24 retary may, directly or by grant or contract, develop pro-
25 grams to use existing data to monitor domestic violence

1 and sexual assault in a State or a local community. Such
2 programs may use data from sources that may include—

3 “(1) public health agencies;

4 “(2) public and private social service agencies
5 and organizations;

6 “(3) criminal justice agencies;

7 “(4) public agencies and private organizations
8 concerned with domestic violence; and

9 “(5) public agencies and private organizations
10 concerned with sexual assault.

11 “(c) AUGMENTATION OF EXISTING DATA
12 SOURCES.—The Secretary may, directly or by grant or
13 contract, study and evaluate the use, for purposes of
14 studying violence against women, of existing sources of in-
15 formation other than data that are routinely collected by
16 State and local governments.

17 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 such sums as may be necessary for each of fiscal years
20 2001 through 2005.”.

21 (h) DEMONSTRATION PROGRAM FOR PREVENTING
22 AND TREATING VIOLENCE AGAINST WOMEN.—That Act,
23 as amended by subsections (f) and (g), is further amended
24 by adding the following section:

1 **“SEC. 321. DEMONSTRATION PROGRAM FOR PREVENTING**
2 **AND TREATING VIOLENCE AGAINST WOMEN.**

3 “(a) IN GENERAL.—The Secretary shall, directly or
4 by grant or contract, provide for innovative and com-
5 prehensive ways to—

6 “(1) conduct activities designed to prevent do-
7 mestic violence and sexual assault;

8 “(2) deliver services to victims of domestic vio-
9 lence and sexual assault, to their families, and to the
10 perpetrators of such violence and assault; and

11 “(3) provide access to help for victims of do-
12 mestic violence and sexual assault, to their families,
13 and to the perpetrators of such violence and assault.

14 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 \$2,500,000 for fiscal year 2001 and such sums as may
17 be necessary for each of fiscal years 2002 through 2005.”.

18 **SEC. 4010. CIVIL LEGAL ASSISTANCE GRANTS.**

19 (a) IN GENERAL.—The purpose of this section is to
20 enable the Attorney General to make grants to further the
21 health, safety, and economic well-being of victims of do-
22 mestic violence, stalking and sexual assault by providing
23 civil legal assistance to such victims.

24 (b) DEFINITIONS.—In this section—

25 (1) “Domestic violence” has the same meaning
26 given that term in section 2003 of title I of the Om-

1 nibus Crime Control and Safe Streets Act of 1968
2 (42 U.S.C. 3796gg-2), as amended by this Act;

3 (2) “Civil legal assistance” means assistance to
4 victims of domestic violence, stalking and sexual as-
5 sault in family, criminal protection or stay away or-
6 ders, immigration, disability, welfare, other public
7 benefits or similar matters;

8 (3) “Sexual assault” has the same meaning
9 given that term in section 2003 of title I of the Om-
10 nibus Crime Control and Safe Streets Act of 1968
11 (42 U.S.C. 3796gg-2), as amended by this Act; and

12 (4) “Stalking” means a course of conduct di-
13 rected at a specific person that involves repeated vis-
14 ual or physical proximity, nonconsensual commu-
15 nication, or verbal, written or implied threats, or a
16 combination thereof, that would cause a reasonable
17 person fear.

18 (c) CIVIL LEGAL ASSISTANCE GRANTS.—The Attor-
19 ney General may make grants under this section to private
20 non-profit entities, publicly funded organizations not act-
21 ing in a governmental capacity, such as law schools, and
22 Indian tribal governments and affiliated organizations,
23 which shall be used to—

24 (1) implement, expand and establish cooperative
25 efforts and projects between domestic and sexual as-

1 sault victim advocacy organizations and civil legal
2 assistance providers to strengthen civil legal assist-
3 ance for victims of domestic violence, stalking and
4 sexual assault;

5 (2) implement, expand, and establish efforts
6 and projects to strengthen a broad range of civil
7 legal assistance for victims of domestic violence,
8 stalking and sexual assault by organizations with a
9 demonstrated history of providing direct legal or ad-
10 vocacy services on behalf of these victims;

11 (3) provide training, technical assistance and
12 data collection to improve the capacity of grantees
13 and other entities to offer civil legal assistance to
14 victims of domestic violence, stalking and sexual as-
15 sault.

16 (d) EVALUATION.—The Attorney General may evalu-
17 ate the grants funded under this section through contracts
18 or other arrangements with entities that are expert on do-
19 mestic violence, stalking, sexual assault and evaluation re-
20 search.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) There are authorized to be appropriated to
23 carry out this section—

24 (A) \$35,000,000 for fiscal year 2001; and

1 (B) such sums as may be necessary for
2 each of fiscal years 2002 through 2005.

3 (2) Of the amounts made available under this
4 section in each fiscal year, not less than five percent
5 shall be used for grants for programs that assist vic-
6 tims of domestic violence, sexual assault or stalking
7 on lands within the jurisdiction of an Indian tribe.

8 (3) Amounts made available under this section
9 shall be used to supplement and not supplant other
10 federal, state and local funds that are expended for
11 the purposes of this section.

12 **SEC. 4011. AUTHORIZATION OF APPROPRIATIONS FOR**
13 **RAPE PREVENTION EDUCATION.**

14 (a) TECHNICAL CORRECTION TO ACCOMPLISH
15 ORIGINAL INTENT OF PROVISION ADDING RAPE EDU-
16 CATION AUTHORITY TO PUBLIC HEALTH SERVICE ACT.—

17 (1) CORRECTION.—Section 40151 of the Vio-
18 lence Against Women Act of 1994 (title IV of Public
19 Law 103–322) is amended by striking “the Public
20 Health and Human Services Act” and inserting “the
21 Public Health Service Act”.

22 (2) EFFECTIVE DATE.—Paragraph (1) shall
23 take effect as if included in the Violence Against
24 Women Act of 1994.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 2 1910A(c) of the Public Health Service Act (42 U.S.C.
 3 300w–10(c)) is amended by striking out “to carry out this
 4 section—” and all that follows and inserting in lieu there-
 5 of “to carry out this section \$44,105,000 for fiscal year
 6 2001 and such sums as may be necessary for each of fiscal
 7 years 2002 through 2005.”.

8 **Subtitle B—Children Exposed to**
 9 **Violence**

10 **SEC. 4012. CHILD ABUSE MURDERS.**

11 Section 1111 of title 18, United States Code, is
 12 amended—

13 (1) in subsection (a)—

14 (A) by inserting “child abuse,” after “sex-
 15 ual abuse,”; and

16 (B) by inserting “or perpetrated as part of
 17 a pattern or practice of assault or torture
 18 against a child or children;” after “robbery;”;
 19 and

20 (2) by inserting at the end the following:

21 “(c) For purposes of this section—

22 “(1) ‘assault’ has the same meaning as in sec-
 23 tion 113;

24 “(2) ‘child’ means a person who is below the
 25 age of 18 years and is—

1 “(A) under the perpetrator’s care or con-
2 trol; or

3 “(B) at least six years younger than the
4 perpetrator;

5 “(3) ‘child abuse’ means intentionally, know-
6 ingly, or recklessly causing death or serious bodily
7 injury to a child;

8 “(4) ‘pattern or practice of assault or torture’
9 means assault or torture engaged in on at least two
10 occasions;

11 “(5) ‘recklessly causing death or serious bodily
12 injury’ means causing death or serious bodily injury
13 under circumstances in which the perpetrator is
14 aware of and disregards a grave risk of death or se-
15 rious bodily injury. Recklessness can be inferred
16 from the character, manner, and circumstances of
17 the perpetrator’s conduct;

18 “(6) ‘serious bodily injury’ has the meaning set
19 forth in section 1365; and

20 “(7) ‘torture’ means an act, whether or not
21 committed under the color of law, that otherwise
22 satisfies the definition set forth in section 2340(1).”.

1 **SEC. 4013. SENTENCING ENHANCEMENT FOR CRIMES COM-**
2 **MITTED IN THE PRESENCE OF CHILDREN.**

3 (a) AMENDMENT TO THE FEDERAL SENTENCING
4 GUIDELINES.—

5 (1) DIRECTIVE TO THE UNITED STATES SEN-
6 TENCING COMMISSION.—Pursuant to its authority
7 under section 994(p) of title 28, United States Code,
8 and in accordance with this section, the United
9 States Sentencing Commission shall review and, if
10 appropriate, amend its guidelines and its policy
11 statements applicable to persons convicted of crimes
12 of violence that are committed in the presence of a
13 child.

14 (2) REQUIREMENTS.—In carrying out this sub-
15 section, the Sentencing Commission shall—

16 (A) ensure that the sentencing guidelines
17 and policy statements reflect the serious effects
18 on children of exposure to violence, especially in
19 the home, and the need for aggressive and ap-
20 propriate law enforcement action to prevent
21 such exposure;

22 (B) consider providing an additional sen-
23 tencing enhancement for persons convicted of
24 offenses described in paragraph (1) in appro-
25 priate circumstances;

1 (C) as part of the review described in para-
2 graph (1), consult with—

3 (i) individuals or organizations with
4 experience providing advocacy for or other
5 services to crime victims generally, victims
6 of domestic violence, sexual assault, and
7 stalking, and children who witness violence,
8 including individuals or organizations in-
9 volved with such persons in Indian Country
10 and Alaskan Native Villages; and

11 (ii) individuals or organizations rep-
12 resenting law enforcement and the Federal
13 judiciary;

14 (D) assure that government-to-government
15 consultation occurs with Indian tribes as to the
16 impacts of sentencing enhancements on tribal
17 members under Federal jurisdiction;

18 (E) assure reasonable consistency with
19 other relevant directives and with other guide-
20 lines;

21 (F) account for any aggravating or miti-
22 gating circumstances that might justify excep-
23 tions, including circumstances for which the
24 sentencing guidelines currently provide sen-
25 tencing enhancements;

1 (G) make any necessary conforming
2 changes to the sentencing guidelines; and

3 (H) assure that the guidelines adequately
4 meet the purposes of sentencing as set forth in
5 section 3553(a)(2) of title 18, United States
6 Code.

7 (3) EMERGENCY AUTHORITY.—The Commission
8 may promulgate guidelines, policy statements or
9 amendments thereto under this section in accord-
10 ance with the procedures set forth in section 21(a)
11 of the Sentencing Act of 1987, as though the au-
12 thority under that Act had not expired.

13 (b) STUDY AND REPORT ON EXPOSURE OF CHIL-
14 DREN TO CRIMES OF VIOLENCE.—Not later than Decem-
15 ber 1, 2000, the United States Sentencing Commission
16 shall submit a report to Congress on issues relating to the
17 exposure of children to crimes of violence. The report shall
18 explain the changes, if any, to sentencing policy made by
19 the Sentencing Commission in response to this section and
20 include any recommendations that the Commission may
21 have for retention or modification of current penalty lev-
22 els, including statutory penalty levels, and for otherwise
23 combating exposure of children to crimes of violence and
24 the serious effects that are associated with such exposure.

1 **SEC. 4014. AMENDMENTS RELATING TO CHILD VICTIMS'**
2 **AND CHILD WITNESSES' RIGHTS.**

3 (a) Section 3509(a)(2) of title 18, United States
4 Code, is amended—

5 (1) in subparagraph (A), by striking “of phys-
6 ical abuse, sexual abuse, or exploitation”; and

7 (2) in subparagraph (B), by striking “com-
8 mitted against another person” and inserting
9 “, other than a crime the child committed or to
10 which the child contributed as a co-defendant or
11 charged conspirator”.

12 (b) Paragraphs (1)(A) and (2)(A) of section 3509(b)
13 of title 18, United States Code, are each amended by in-
14 serting “or an offense to which a child is a witness” after
15 “child”.

16 (c) Section 3509(h)(1) of title 18, United States
17 Code, is amended by striking “involving abuse or exploi-
18 tation”.

19 (d) Section 3509 of title 18, United States Code, is
20 amended by inserting “or a person who was a child at
21 the time of the crime” after “child” each place it appears
22 in paragraphs (1), (2), and (3)(A) of subsection (d), the
23 second and third places it appears in subsection (d)(3)(B),
24 the first and third places it appears in subsection (d)(4),
25 and each place it appears in subsection (e).

1 (e) Section 3509(d) of title 18, United States Code,
2 is amended—

3 (1) in paragraph (1)(A), by inserting “, evi-
4 dence, or other items” after “documents” each place
5 it appears;

6 (2) in paragraph (2), by inserting “, evidence,
7 or other items” after “papers”;

8 (3) in paragraph (2) (A) and (B), by inserting
9 “, evidence, or other items” after “paper”;

10 (4) in paragraph (2)(B), by striking “of it”;

11 (5) in paragraph (1)(A), by inserting at the
12 end: “This limitation applies regardless of whether
13 the person continues to act in a capacity described
14 in subparagraph (B) at the time of such disclo-
15 sure.”;

16 (6) in paragraph (4), by striking “or an adult
17 attendant” and inserting “an adult attendant, a vic-
18 tim or witness assistance program”; and

19 (7) by adding at the end the following:

20 “(5) The provisions of this subsection may be
21 applied to proceedings of the Grand Jury, including
22 lists of witnesses and exhibits.”.

23 (f) Section 3509(i) of title 18, United States Code,
24 is amended by—

1 (1) striking “child attendant” and inserting
2 “adult attendant”; and

3 (2) adding “if such testimony or deposition is
4 carried out under subsection (b)” before the final
5 period.

6 **SEC. 4015. TECHNICAL CORRECTIONS TO FORFEITURE**
7 **STATUTES FOR SEXUAL EXPLOITATION OF**
8 **MINORS.**

9 (a) **CRIMINAL FORFEITURE FOR OFFENSES AGAINST**
10 **MINORS.**—Section 2253 of title 18, United States Code,
11 is amended by striking “or 2423” and inserting “2423,
12 or 2425”.

13 (b) **CIVIL FORFEITURE FOR OFFENSES AGAINST MI-**
14 **NORS.**—Section 2254 of title 18, United States Code, is
15 amended by striking “or 2423” and inserting “2423, or
16 2425”.

17 (c) **CIVIL REMEDY FOR PERSONAL INJURIES RE-**
18 **SULTING FROM CERTAIN SEX CRIMES AGAINST CHIL-**
19 **DREN.**—Section 2255(a) of title 18, United States Code,
20 is amended by striking “or 2423” and inserting “2423,
21 or 2425”.

22 **SEC. 4016. AMENDMENT TO RESTITUTION STATUTES.**

23 (a) Section 3663(b)(2) of title 18, United States
24 Code, is amended by striking “including an offense under

1 chapter 109A or chapter 110” and inserting “or any of-
2 fense under chapter 109A, chapter 110, or chapter 117”.

3 (b) Section 2253 of title 18, United States Code, is
4 amended by adding at the end the following:

5 “(p) VICTIMS AND RESTITUTION.—

6 “(1) The defendant may not use property sub-
7 ject to forfeiture under this section to satisfy an
8 order of restitution. However, if there are identifi-
9 able victims entitled to restitution from the defend-
10 ant under section 2259 or 3663, and the defendant
11 has no assets other than property subject to for-
12 feiture with which to pay restitution to the victims,
13 the government may move to dismiss the forfeiture
14 allegations before entry of a judgment of forfeiture
15 to allow the property to be used by the defendant
16 to pay restitution in whatever manner the court de-
17 termines to be appropriate if it grants the govern-
18 ment’s motion.

19 “(2) If an order of forfeiture is entered pursu-
20 ant to this section and the defendant has no assets
21 other than the forfeited property to pay restitution
22 to identifiable victims who are entitled to restitution,
23 the government shall restore the forfeited property
24 to the victims pursuant to subsection (h)(1) once the
25 ancillary proceeding under subsection (m) has been

1 completed and the costs of the forfeiture action have
2 been deducted. On the motion of the government,
3 the court may enter any order necessary to facilitate
4 the distribution of the property under this sub-
5 section.

6 “(3) For purposes of this subsection, a ‘victim’
7 is a person other than a person with a legal right,
8 title or interest in the forfeited property sufficient to
9 satisfy the standing requirement of subsection
10 (m)(2) who may nevertheless be entitled to restitu-
11 tion from the forfeited funds pursuant to 28 CFR
12 part 9.8. A person shall be considered a ‘victim’ if
13 the person is the victim of the offense giving rise to
14 the forfeiture, or of any offense that was part of the
15 same scheme, conspiracy, or pattern of criminal ac-
16 tivity, including any offense constituting the under-
17 lying specified unlawful activity.”

18 **Subtitle C—Victims Assistance**

19 **SEC. 4021. ASSISTANCE FOR FEDERAL LAW ENFORCEMENT** 20 **VICTIM SERVICES.**

21 Section 1404(c)(1) of the Victims of Crime Act (42
22 U.S.C. 10603(c)(1)) is amended by—

23 (1) striking “and” at the end of subparagraph
24 (A);

1 (2) striking the period at the end of subpara-
2 graph (B) and inserting “;”; and

3 (3) adding at the end the following:

4 “(C) to assist Federal law enforcement
5 agencies in providing services to victims of non-
6 Federal crime;

7 “(D) for the financial support of services
8 to U.S. citizens who are victims of crime occur-
9 ring outside the United States; and

10 “(E) for the establishment of a fellowship
11 or internship program in the Office to utilize
12 the expertise and experience of the victims com-
13 munity to carry out training and technical as-
14 sistance services and special projects authorized
15 by the subchapter.”.

16 **SEC. 4022. COMPENSATION AND ASSISTANCE TO VICTIMS**
17 **OF TERRORISM OR MASS VIOLENCE.**

18 (a) IN GENERAL.—Section 1404B of the Victims of
19 Crime Act of 1984 (42 U.S.C. 10603b) is amended to read
20 as follows:

21 **SEC. 1404B. COMPENSATION AND ASSISTANCE TO VICTIMS**
22 **OF TERRORISM OR MASS VIOLENCE.**

23 “(a) DEFINITIONS.—In this section—

1 “(1) the term ‘eligible crime victim compensa-
2 tion program’ means a program that meets the re-
3 quirements of section 1403(b);

4 “(2) the term ‘eligible crime victim assistance
5 program’ means a program that meets the require-
6 ments of section 1404(b);

7 “(3) the term ‘public agency’ includes any Fed-
8 eral, State, or local government or nonprofit organi-
9 zation; and

10 “(4) the term ‘victim’—

11 “(A) means an individual who is citizen or
12 employee of the United States, and who is in-
13 jured or killed as a result of a terrorist act or
14 mass violence, whether occurring within or out-
15 side the United States; and

16 “(B) includes, in the case of an individual
17 described in subparagraph (A) who is deceased,
18 the family members of the individual.

19 “(b) GRANTS AUTHORIZED.—The Director may
20 make grants, as provided in either section 1402(d)(4)(B)
21 or 1404—

22 “(1) to States, which shall be used for eligible
23 crime victim compensation programs and eligible
24 crime victim assistance programs for the benefit of
25 victims; and

1 “(2) to victim service organizations, and public
2 agencies that provide emergency or ongoing assist-
3 ance to victims of crime, which shall be used to pro-
4 vide, for the benefit of victims—

5 “(A) emergency relief (including compensa-
6 tion, assistance, and crisis response) and other
7 related victim services; and

8 “(B) training and technical assistance for
9 victim service providers.

10 “(c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
11 tion may be construed to supplant any compensation avail-
12 able under title VIII of the Omnibus Diplomatic Security
13 and Antiterrorism Act of 1986.”.

14 (b) **APPLICABILITY.**—The amendment made by this
15 section applies to any terrorist act or mass violence occur-
16 ring on or after December 20, 1988, with respect to which
17 an investigation or prosecution was ongoing after April 24,
18 1996.

19 **SEC. 4023. AMENDMENT TO THE CRIME VICTIMS WITH DIS-**
20 **ABILITIES ACT.**

21 Section 5 of the Crime Victims With Disabilities
22 Awareness Act (42 U.S.C. 3732 note) is amended to read
23 as follows:

1 **SEC. 5. NATIONAL CRIME VICTIMIZATION SURVEY.**

2 “Within one year of the completion of the study or-
3 dered under section 4, the Bureau of Justice Statistics
4 shall initiate revisions to the National Crime Victimization
5 Survey, following a period of experimentation and pre-
6 testing, designed to systematically gather data from indi-
7 viduals with developmental disabilities relating to—

8 “(a) the nature of crimes against such individ-
9 uals; and

10 “(b) the specific characteristics of such vic-
11 tims.”.

12 **SEC. 4024. EXPANDED JURISDICTION OVER CHILD BUYING
13 AND SELLING OFFENSES.**

14 Section 2251A(c)(3) of title 18, United States Code,
15 is amended by striking “in any territory or possession of
16 the United States” and inserting “in the special maritime
17 and territorial jurisdiction of the United States or in any
18 commonwealth, territory, or possession of the United
19 States”.

20 **Subtitle D—Health Care Fraud and
21 Abuse**

22 **SEC. 4031. ATTORNEY GENERAL’S INJUNCTION AUTHORITY.**

23 Section 1128B of the Social Security Act (42 U.S.C.
24 1320a–7b) is amended by adding at the end the following
25 new subsection:

1 “(h) If the Attorney General has reason to believe
2 that a person is engaging about to engage in conduct con-
3 stituting an offense under this section, the Attorney Gen-
4 eral may petition an appropriate United States District
5 Court for an order prohibiting that person from engaging
6 in such conduct. The court may issue an order prohibiting
7 that person from engaging in such conduct if the court
8 finds that the conduct constitutes such an offense. The
9 filing of a petition under this section does not preclude
10 any other remedy that is available by law to the United
11 States or any other person.”.

12 **SEC. 4032. ATTORNEY GENERAL'S AUTHORITY TO SEEK**
13 **CIVIL PENALTIES.**

14 Section 1128B of the Social Security Act (42 U.S.C.
15 § 1320a-7b), as amended by section 5031 of this Act, is
16 further amended by inserting after subsection (f) the fol-
17 lowing new subsection:

18 “(g)(1) The Attorney General may bring an action
19 in the district courts to impose upon any person who car-
20 ries out any activity in violation of this section with re-
21 spect to a Federal health care program a civil penalty of
22 \$25,000 to \$50,000 for each such violation, and damages
23 of three times the total remuneration offered, paid, solie-
24 ited, or received.

1 “(2) A violation exists under paragraph (1) if one or
2 more purposes of the remuneration is unlawful, and the
3 damages shall be the full amount of such remuneration.

4 “(3) The procedures for actions under paragraph (1)
5 with regard to subpoenas, statutes of limitation, standards
6 of proof, and collateral estoppel shall be governed by sec-
7 tion 3731 of title 31, United States Code, and the Federal
8 Rules of Civil Procedure shall apply to actions brought
9 under this section.

10 “(4) This section does not affect the availability of
11 other criminal and civil remedies that may be available
12 for such violations.”.

13 **SEC. 4033. GRAND JURY DISCLOSURE.**

14 Section 3322 of title 18, United States Code, is
15 amended—

16 (1) by redesignating subsections (c) and (d) as
17 subsections (d) and (e), respectively; and

18 (2) by inserting after subsection (b) the fol-
19 lowing new subsection:

20 “(c) A person who is privy to grand jury information
21 concerning a Federal health care offense, as defined in
22 section 24 of this title—

23 “(1) received in the course of duty as an attor-
24 ney for the government; or

1 sive and appropriate law enforcement action to pre-
2 vent such fraud;

3 (2) consider providing increased penalties for
4 persons convicted of health care fraud offenses in
5 appropriate circumstances;

6 (3) consult with individuals or groups rep-
7 resenting health care fraud victims, law enforcement
8 officials, the health care industry, and the Federal
9 judiciary as part of the review described in sub-
10 section (a);

11 (4) assure reasonable consistency with other
12 relevant directives and with other guidelines;

13 (5) account for any aggravating or mitigating
14 circumstances that might justify exceptions, includ-
15 ing circumstances for which the sentencing guide-
16 lines currently provide sentencing enhancements;

17 (6) make any necessary conforming changes to
18 the sentencing guidelines; and

19 (7) assure that the guidelines adequately meet
20 the purposes of sentencing as set forth in section
21 3553(a)(2) of title 18, United States Code.

22 (c) REPORT.—Not later than December 31, 2000, the
23 United States Sentencing Commission shall submit a re-
24 port to Congress on issues relating to health care fraud.
25 The report shall explain the changes, if any, to sentencing

1 policy made by the Sentencing Commission in response to
2 this section and include any recommendations that the
3 Commission may have for retention or modification of cur-
4 rent penalty levels, including statutory penalty levels, for
5 health care fraud offenses.

6 **SEC. 4036. PROVISIONS PROTECTING THE INTERESTS OF**
7 **FALSE CLAIMS ACT MATTERS IN BANK-**
8 **RUPTCY PROCEEDINGS.**

9 (a) CERTAIN ACTIONS NOT STAYED BY BANK-
10 RUPTCY PROCEEDINGS.—The commencement or continu-
11 ation of an action under sections 3729 through 3733 of
12 title 31, United States Code, shall not be stayed by section
13 362(a)(1), (a)(2), (a)(3) or (a)(6) or under section 105(a)
14 of title 11, United States Code.

15 (b) CERTAIN DEBTS NOT DISCHARGEABLE IN BANK-
16 RUPTCY.—No debt owed to the United States for violating
17 sections 3729 through 3733 of title 31, United States
18 Code, or under a compromise or other agreement resolving
19 such a debt shall be discharged under title 11, United
20 States Code.

21 (c) REPAYMENT OF CERTAIN DEBTS CONSIDERED
22 FINAL.—No transfer on account of a debt owed to the
23 United States for violating sections 3729 through 3733
24 of title 31, United States Code, or under a compromise
25 or other agreement resolving such a debt shall be avoided

1 under section 544, 545, 547, 548, 549, 553(b) or 724(a)
2 of title 11, United States Code.

3 **SEC. 4037. EXTENDING ANTI-FRAUD SAFEGUARDS TO THE**
4 **FEDERAL EMPLOYEES HEALTH BENEFITS**
5 **PROGRAM.**

6 (a) Section 1128B(f)(1) of the Social Security Act
7 (42 U.S.C. § 1320a–7b(f)(1)) is amended by striking
8 “(other than the health insurance program under chapter
9 89 of title 5, United States Code)”.

10 **SEC. 4038. PREVENTING AND PUNISHING ABUSE AND NE-**
11 **GLECT OF ELDERLY AND OTHER RESIDENTS**
12 **IN NURSING HOMES AND RESIDENTIAL**
13 **HEALTH CARE FACILITIES.**

14 (a) **SHORT TITLE.**—This section may be cited as the
15 “Nursing Home Abuse and Neglect Prevention and Pun-
16 ishment Act of 2000”.

17 (b) **PROTECTION OF RESIDENTS IN NURSING HOMES**
18 **AND OTHER RESIDENTIAL HEALTH CARE FACILITIES.**—
19 Chapter 63 of title 18, United States Code, is amended
20 by adding at the end the following new section:

21 **“§ 1348. Pattern of violations resulting in harm to**
22 **residents of nursing homes and related**
23 **facilities**

24 “(a) **OFFENSE.**—Whoever engages in a pattern of
25 knowing and willful violations of Federal laws, regulations,

1 or rules, or State laws governing the health, safety, or care
2 of individuals residing in a residential health care facility
3 or facilities that results in significant physical or mental
4 harm to one or more such residents, shall be punished as
5 provided in section 1347, except that any organization
6 shall be fined not more than \$2,000,000 per residential
7 health care facility.

8 “(b) CIVIL PROVISIONS.—

9 “(1) CIVIL PENALTIES.—The Attorney General
10 may bring an action in a United States district court
11 to impose on any individual or entity that engages
12 in a pattern of violations of Federal laws, regula-
13 tions, or rules, or State laws, which violations affect
14 the health, safety, or care of individuals residing in
15 a residential health care facility and where such pat-
16 tern results in physical or mental harm to one or
17 more such residents, a civil penalty of—

18 “(A) in the case of an individual (other
19 than an owner, operator, officer or manager of
20 such a residential health care facility) up to
21 \$10,000;

22 “(B) in the case of an individual who is an
23 owner, operator, officer or manager of such a
24 residential health care facility up to \$100,000

1 for each separate facility involved in the pattern
2 of violations under this section; or

3 “(C) in the case of a residential health
4 care facility up to \$1,000,000 for each pattern
5 of violations, and in the case of an entity up to
6 \$1,000,000 for each separate residential health
7 care facility involved in the pattern of violations
8 owned or managed by that entity.

9 “(2) OTHER APPROPRIATE RELIEF.—If the At-
10 torney General has reason to believe that an indi-
11 vidual or entity is engaging in or is about to engage
12 in a pattern of violations of Federal laws, regula-
13 tions, or rules, or State laws, which violations affect
14 the health, safety, or care of individuals residing in
15 a residential health care facility, and where such
16 pattern results in or has the potential for resulting
17 in physical or mental harm to one or more such resi-
18 dents, the Attorney General may petition an appro-
19 priate United States district court for appropriate
20 equitable and declaratory relief to eliminate the pat-
21 tern.

22 “(3) PROCEDURES FOR THIS SUBSECTION.—

23 “(A) A subpoena requiring the attendance
24 of a witness at a trial or hearing conducted

1 under this subsection may be served at any
2 place in the United States.

3 “(B) An action brought under paragraph
4 (1) of this subsection may not be brought more
5 than 6 years after the date on which the viola-
6 tion of this subsection occurred.

7 “(C) The United States shall be required
8 to prove all actions under this subsection by a
9 preponderance of the evidence.

10 “(D) The Civil Investigative Demand pro-
11 cedures set forth in the Antitrust Civil Process
12 Act (15 U.S.C. 1311–14) and regulations pro-
13 mulgated pursuant thereto shall apply to inves-
14 tigation and actions pursued under this sub-
15 section.

16 “(E) The filing or resolution of a matter
17 under this subsection does not preclude any
18 other remedy that is available to the United
19 States or any other person.

20 “(c) PROHIBITION AGAINST RETALIATION.—Any
21 person who is the subject of retaliation, either directly or
22 indirectly, for reporting conditions that may constitute a
23 violation of this section shall be authorized to bring an
24 action in an appropriate United States district court for
25 damages, attorneys’ fees and other relief.

1 “(d) DEFINITIONS.—For purposes of this section, the
2 following definitions apply:

3 “(1) ‘Residential health care facility’ means any
4 facility (including any facility that does not exclu-
5 sively provide residential health care services) includ-
6 ing but not limited to skilled and unskilled nursing
7 facilities and mental health and mental retardation
8 facilities, that receives Federal funds, directly from
9 the Federal Government or indirectly from a third
10 party on contract with or receiving a grant or other
11 monies from the Federal Government, to provide
12 health care, or that provides health care services in
13 a residential setting and that, in any calendar year
14 in which a violation occurs, is the recipient of bene-
15 fits or payments in excess of \$10,000 from a Fed-
16 eral Health Care Program.

17 “(2) ‘Entity’ means any residential health care
18 facility (including facilities that do not exclusively
19 provide residential health care services), any entity
20 that manages a residential health care facility, or
21 any entity that owns, directly or indirectly, a con-
22 trolling interest or a 50 percent or greater interest
23 in one or more residential health care facilities, in-
24 cluding States, localities and political subdivisions
25 thereof.

1 “(3) ‘Federal Health Care Program’ means—

2 “(A) any plan or program that provides
3 health benefits, whether directly, through insur-
4 ance, or otherwise, which is funded directly, in
5 whole or in part, by the United States Govern-
6 ment; or

7 “(B) any State health care program, as de-
8 fined in Section 1128(h) of the Social Security
9 Act (42 U.S.C. 1320a-7(h)).

10 “(4) ‘Pattern of violations’ means either—

11 “(A) multiple violations of a single law,
12 regulation, or rule; or

13 “(B) single violations of multiple laws, reg-
14 ulations, or rules, that are widespread, sys-
15 temic, repeated, similar in nature, or result
16 from a policy or practice.

17 “(5) ‘State’ means a state of the United States,
18 the District of Columbia, and any commonwealth,
19 territory, or possession of the United States.”.

20 (c) AUTHORIZED INVESTIGATIVE DEMAND PROCE-
21 DURES.—Section 3486(a)(1) of title 18, United States
22 Code, is amended by inserting after “Federal health care
23 offense”, “or act or activity involving section 1348 of this
24 title”.

1 (d) The table of sections for chapter 63 of title 18,
2 United States Code, is amended by adding at the end:

“1348. Pattern of violations resulting in harm to residents of nursing homes and related facilities.”.

3 **Subtitle E—Consumer Fraud**

4 **SEC. 4041. BLOCKING TELEMARKETING SCAMS.**

5 Chapter 113A of title 18, United States Code, is
6 amended—

7 (a) by adding at the end the following new section:

8 **“§ 2328. Blocking or termination of service by elec-** 9 **tronic communication service**

10 “(a) IN GENERAL.—Any United States district court
11 (including any magistrate judge of such court), upon ap-
12 plication by the Attorney General, may enter an ex parte
13 order directing an electronic communication service to
14 block or terminate service to any telephone number, or to
15 terminate service to any other subscriber number or iden-
16 tity, if the court determines that—

17 “(1) there is probable cause to believe that a
18 person is committing or about to commit an offense
19 listed in section 2326 of this title in connection with
20 the conduct of telemarketing, and is using that tele-
21 phone number or subscriber number or identity in
22 furtherance of that offense; and

23 “(2) such order is warranted to prevent a con-
24 tinuing and substantial injury to the United States

1 or to any person or class of persons for whose pro-
2 tection the application is made.

3 Such order may be temporary or permanent, and may in-
4 clude provisions authorizing the electronic communication
5 service to resume service to the telephone number or other
6 subscriber number or identity specified in the order if that
7 number or identity has been reassigned to another sub-
8 scriber. The order shall be served on an electronic commu-
9 nication service by delivering a copy to the service's prin-
10 cipal place of business, and shall be served on a subscriber
11 by delivering a copy to the subscriber personally, by leav-
12 ing a copy at the subscriber's principal place of business
13 with some person of suitable age and discretion then em-
14 ployed therein or at the subscriber's dwelling house or
15 usual place of abode with some person of suitable age and
16 discretion then residing therein, or by mailing a copy to
17 the subscriber's last known address.

18 “(b) HEARING.—Subsequent to the issuance of an
19 order pursuant to subsection (a), any person whose service
20 has been blocked or terminated may move the court to
21 quash or modify the order. The movant shall have the bur-
22 den of proof to show good cause therefor. The court shall
23 proceed as soon as practicable to the hearing and deter-
24 mination of such a motion. A proceeding under this sub-
25 section is governed by the Federal Rules of Civil Proce-

1 dure, except that, if an indictment has been returned
 2 against any person to whom the court’s finding of prob-
 3 able cause in subsection (a) relates, discovery is governed
 4 by the Federal Rules of Criminal Procedure.

5 “(c) PRECLUSION OF CAUSES OF ACTION.—No cause
 6 of action shall lie in any court against any electronic com-
 7 munication service, its officers, employees, agents, or other
 8 specified persons for taking any action, or providing infor-
 9 mation, facilities, or assistance for such action, in accord-
 10 ance with the terms of a court order under this section.

11 “(d) DEFINITIONS.—For purposes of this section, the
 12 term ‘electronic communication service’ has the definition
 13 given such term in section 2510 of this title.”;

14 (b) in section 2325, by inserting “or electronic com-
 15 munications” after “telephone calls”; and

16 (c) in the table of sections for chapter 113A of title
 17 18, United States Code, by adding at the end the fol-
 18 lowing:

“2328. Blocking or termination of service by electronic communication service.”.

19 **Subtitle F—Pension-Welfare and**
 20 **Labor-Management Racket-**
 21 **eering Act**

22 **SEC. 4051. FRAUD IN RELATION TO RETIREMENT ARRANGE-**
 23 **MENTS.**

24 (a) IN GENERAL.—Chapter 63 of title 18, United
 25 States Code, as amended by section 5038 of this Act, is

1 further amended by inserting after section 1347 the fol-
2 lowing:

3 **“§ 1349. Fraud in relation to retirement arrange-**
4 **ments**

5 “(a) Whoever executes, or attempts to execute, a
6 scheme or artifice—

7 “(1) to defraud any retirement arrangement or
8 other person in connection with the establishment or
9 maintenance of a retirement arrangement; or

10 “(2) to obtain, by means of false or fraudulent
11 pretenses, representations, or promises, any of the
12 money or property owned by, or under the custody
13 or control of, any retirement arrangement or other
14 person in connection with the establishment or main-
15 tenance of a retirement arrangement shall be fined
16 under this title or imprisoned not more than ten
17 years, or both.

18 “(b) As used in this section, the term ‘retirement ar-
19 rangement’ means—

20 “(1) any employee pension benefit plan subject to any
21 provision of title I of the Employee Retirement Income
22 Security Act of 1974;

23 “(2) any qualified retirement plan within the
24 meaning of section 4974(c) of the Internal Revenue

1 Code of 1986, including any arrangement which has
2 been represented to be a qualified retirement plan;

3 “(3) any medical savings account described in
4 section 220 of the Internal Revenue Code of 1986;
5 or

6 “(4) funds established within the Thrift Savings
7 Fund by the Federal Retirement Thrift Investment
8 Board pursuant to subchapter III of chapter 84 of
9 title 5, United States Code.

10 “(c) For purposes of this section, the terms “retire-
11 ment arrangement” shall not include any “governmental
12 plan” as defined in section 3(32) of title I of the Employee
13 Retirement Income Security Act of 1974 except as pro-
14 vided in paragraph (4) of subsection (b).

15 “(d) The Attorney General shall have the responsi-
16 bility and authority to investigate violations of this section.
17 Nothing shall preclude the Secretary of Labor and other
18 appropriate Federal agencies from investigating violations
19 of this section relating to employee benefit plans subject
20 to title I of the Employee Retirement Income Security Act
21 of 1974 (29 U.S.C. 1001 et seq.).”.

22 (b) The table of sections for chapter 63 of title 18,
23 United States Code, is amended by adding at the end:

“1349. Retirement Fraud.”.

1 **SEC. 4052. CIVIL PENALTY FOR VIOLATION OF SECTION**
2 **1348.**

3 (a) IN GENERAL.—Chapter 63 of title 18, United
4 States Code, as amended by sections 5038 and 5051 of
5 this Act, is further amended by inserting after section
6 1349 the following:

7 **“§ 1350. Civil penalty for violation of section 1348**

8 “(a) Except as provided in subsection (b) of this sec-
9 tion, the Attorney General may bring a civil action in the
10 appropriate United States district court against any per-
11 son who engages in conduct constituting an offense under
12 section 1348 or conspiracy to violate section 1348 and,
13 upon proof of such conduct by a preponderance of the evi-
14 dence, such person shall be subject to a civil penalty of
15 the greater of the amount of pecuniary gain to the viola-
16 tor, the amount of pecuniary loss sustained by the victim,
17 or \$50,000 for each violation in the case of an individual
18 or \$100,000 in the case of an organization. The imposition
19 of a civil penalty under this subsection does not preclude
20 any other criminal or civil statutory, common law, or ad-
21 ministrative remedy which is available by law to the
22 United States or any other person.

23 “(b) No civil penalty may be imposed pursuant to
24 subsection (a) with respect to conduct involving a retire-
25 ment arrangement which is also an employee pension ben-
26 efit plan subject to title I of Employee Retirement Income

1 Security Act of 1974 and for which the civil penalties may
 2 be imposed under section 502 of Employee Retirement In-
 3 come Security Act of 1974, (29 U.S.C. 1132). The district
 4 court may waive or reduce a penalty under subsection (a)
 5 if the district court determines that the violator or other
 6 person may not be able to restore all losses to the victims
 7 (or to provide other relief ordered in another civil or crimi-
 8 nal prosecution related to such conduct, including any
 9 penalty or tax imposed on the violator or other person pur-
 10 suant to the Internal Revenue Code of 1986) without se-
 11 vere financial hardship unless such waiver or reduction is
 12 granted.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 for chapter 63 of title 18, United States Code, as amended
 15 by sections 5038 and 5051 of this Act, is further amended
 16 by inserting after the item relating to section 1349 the
 17 following:

“1350. Civil penalty for violation of section 1348.”.

18 **SEC. 4053. BRIBERY AND GRAFT IN CONNECTION WITH EM-**
 19 **PLOYEE BENEFIT PLANS.**

20 (a) Section 1954 of title 18, United States Code, is
 21 amended to read as follows:

22 **“§ 1954. Bribery and graft in connection with em-**
 23 **ployee benefit plans**

24 “(a) Whoever—

25 “(1) being—

1 “(A) an administrator, officer, trustee,
2 custodian, counsel, agent, or employee of any
3 employee benefit plan; or

4 “(B) an officer, counsel, agent, or em-
5 ployee of an employer or an employer any of
6 whose employees are covered by such plan; or

7 “(C) an officer, counsel, agent, or em-
8 ployee of an employee organization any of
9 whose members are covered by such plan; or

10 “(D) a person who, or an officer, counsel,
11 agent, or employee of an organization which,
12 provides benefit plan services to such plan; or

13 “(E) a person with actual or apparent in-
14 fluence or decision-making authority in regard
15 to such plan, receives or agrees to receive or so-
16 licits, any fee, kickback, commission, gift, loan,
17 money, or thing of value, personally or for any
18 other person, with intent to be influenced with
19 respect to any of his actions, decisions, or du-
20 ties relating to any question or matter con-
21 cerning such plan,

22 “(2) directly or indirectly, gives or offers, or
23 promises to give or offer, any fee, kickback, commis-
24 sion, gift, loan, money, or thing of value, to any per-
25 son described in subparagraphs (A) through (E) of

1 paragraph (1), with intent to influence any of the
2 actions, decisions or duties of such person relating
3 to any question or matter concerning an employee
4 benefit plan; or

5 “(3) attempts to give, accept, or receive any
6 thing of value in violation of this subsection, shall be
7 fined under this title or imprisoned for not more
8 than ten years, or both.

9 “(b) Whoever—

10 “(1) being any person described in subpara-
11 graphs (A) through (E) of paragraph (1) of sub-
12 section (a), receives or agrees to receive or solicits,
13 any fee, kickback, commission, gift, loan, money, or
14 thing of value, personally or for any other person,
15 because of any of his actions, decisions or duties re-
16 lating to any question or matter concerning such
17 plan;

18 “(2) directly or indirectly, gives or offers, or
19 promises to give or offer, any fee, kickback, commis-
20 sion, gift, loan, money, or thing of value, to any per-
21 son described in subparagraphs (A) through (E) of
22 paragraph (1) of subsection (a), because of any of
23 the actions, decisions, or duties of such person relat-
24 ing to any question or matter concerning an em-
25 ployee benefit plan; or

1 “(3) attempts to give, accept, or receive any
2 thing of value in violation of this subsection, shall be
3 fined under this title or imprisoned for not more
4 than five years, or both.

5 “(c)(1) This section shall not prohibit the payment
6 to or acceptance by any person of bona fide salary, com-
7 pensation, or other payments made for goods or facilities
8 actually furnished or for services actually performed in the
9 regular course of his duties as such person, administrator,
10 officer, trustee, custodian, counsel, agent, or employee of
11 such plan, employer, employee organization, or organiza-
12 tion providing employee benefit plan services to such plan,
13 or as a person with actual or apparent influence or deci-
14 sion-making authority in regard to such plan.

15 “(2) This section shall not prohibit the payment to
16 or acceptance in good faith by any employee benefit plan
17 sponsor, or person acting on the sponsor’s behalf of any
18 thing of value relating to the sponsor’s decision or action
19 to establish, terminate, or modify the governing instru-
20 ments of an employee benefit plan in a manner which does
21 not violate title I of the Employee Retirement Income Se-
22 curity Act of 1974, or any regulation or order promulgated
23 thereunder, or any other law governing the plan.

24 “(d) For the purpose of this section—

1 (1) by striking the period at the end of para-
2 graph (4) and inserting “; or”; and

3 (2) by inserting after paragraph (4) the fol-
4 lowing new paragraph:

5 “(5) to any person with actual or apparent in-
6 fluence or decision-making authority in regard to
7 any labor organization with the intent to influence
8 such person’s duties, actions, or decisions relating to
9 any question or matter concerning such labor orga-
10 nization.”.

11 **SEC. 4056. RECEIPT OF THINGS OF VALUE BY PERSONS**
12 **WITH ACTUAL OR APPARENT INFLUENCE OR**
13 **DECISION-MAKING AUTHORITY.**

14 Subsection (b) of section 302 of the Labor Manage-
15 ment Relations Act of 1947 (29 U.S.C. 186(b)) is
16 amended—

17 (1) in paragraph (1), by inserting “(1) through
18 (4)” after “prohibited by subsection (a)”;

19 (2) by redesignating paragraph (2) as para-
20 graph (3); and

21 (3) by inserting after paragraph (1) the fol-
22 lowing new paragraph:

23 “(2) It shall be unlawful for any person with
24 actual or apparent influence or decision-making au-
25 thority in regard to a labor organization to request,

1 demand, receive, or accept, or agree to receive or ac-
2 cept, any payment, loan, or delivery of any money or
3 other thing of value, from any employer, association
4 of employers, or any person who acts as a labor rela-
5 tions expert, advisor, or consultant to an employer,
6 or who acts in the interest of an employer, with in-
7 tent to be influenced with respect to such person's
8 duties, actions, or decisions relating to any question
9 or matter concerning such labor organization.”.

10 **SEC. 4057. ATTEMPT TO VIOLATE TAFT-HARTLEY SECTION**

11 **302.**

12 Subsection (d)(2) of section 302 of the Labor Man-
13 agement Relations Act of 1947 (29 U.S.C. 186(d)(2)), is
14 amended by inserting “, or willfully attempts to pay, lend,
15 deliver, receive, or accept in violation of,” after “willfully
16 violates”.

17 **SEC. 4058. FORFEITURE FOR RETIREMENT OFFENSES.**

18 (a) **CRIMINAL FORFEITURE.**—Section 982(a) of title
19 18, United States Code, is amended by inserting after
20 paragraph (8) the following new paragraph:

21 “(9)(A) The court, in imposing sentence on a
22 person convicted of a retirement offense, shall order
23 the person to forfeit property, real or personal, that
24 constitutes or is derived, directly or indirectly, from
25 proceeds traceable to the commission of the offense;

1 “(B) For purposes of this paragraph, the term
2 “retirement offense” means a violation of, a criminal
3 conspiracy to violate, or a solicitation to commit a
4 crime of violence involving a violation of any of the
5 following provisions if the violation, conspiracy, or
6 solicitation relates to a retirement arrangement as
7 defined in section 1348 of this title:

8 “(i) section 664, 1001, 1027, 1341, 1343,
9 1348, 1951, 1952, or 1954 of this title; or

10 “(ii) section 411, 501, or 511 of the Em-
11 ployee Retirement Income Security Act of 1974
12 (29 U.S.C. 1111, 1131, or 1141).”.

13 (b) CIVIL FORFEITURE.—Section 981(a)(1) of title
14 18, United States Code, is amended by inserting after
15 paragraph (F) the following new paragraph:

16 “(G) Any property, real or personal, that
17 constitutes or is derived, directly or indirectly,
18 from proceeds traceable to the commission of a
19 violation of, a criminal conspiracy to violate, or
20 a solicitation to commit a crime of violence in-
21 volving a retirement offense as that term is de-
22 fined in section 982(a)(9)(B).”.

1 **Subtitle G—Environmental Crimes**
2 **and Enforcement Act**

3 **SEC. 4071. JOINT FEDERAL, STATE, LOCAL, AND TRIBAL EN-**
4 **VIRONMENTAL ENFORCEMENT.**

5 (a) IN GENERAL.—Chapter 232 of title 18, United
6 States Code, is amended by inserting after section 3673
7 the following:

8 **“§ 3674. Reimbursement of State, local, or tribal gov-**
9 **ernment costs for assistance in Federal**
10 **investigation and prosecution of environ-**
11 **mental crimes**

12 “(a) Upon the motion of the United States, any per-
13 son who is found guilty of a criminal violation of the Fed-
14 eral environmental laws set forth in subsection (b) below,
15 or conspiracy to violate such laws, may be ordered to pay
16 the costs incurred by a State, local, or tribal government
17 or an agency thereof for assistance to the Federal Govern-
18 ment’s investigation and criminal prosecution of the case.
19 Such moneys shall be paid to the State, local, or tribal
20 government or agency thereof and be used solely for the
21 purpose of environmental law enforcement.

22 “(b) This section applies to a violation of, or a con-
23 spiracy to violate, any of the following provisions of law:

24 “(1) Section 14(b) of the Federal Insecticide,
25 Fungicide, and Rodenticide Act (7 U.S.C. 136l(b)).

1 “(2) Section 16(b) of the Toxic Substances
2 Control Act (15 U.S.C. 2615(b)).

3 “(3) Sections 10, 12, 13, and 16 of the Rivers
4 and Harbors Appropriations Act of 1899 (33 U.S.C.
5 403, 406, 407, 411).

6 “(4) Sections 309(c) and 311(b)(5) of the Fed-
7 eral Water Pollution Control Act (33 U.S.C.
8 1319(c), 1321(b)(5)).

9 “(5) Section 105(b) of the Marine Protection,
10 Research, and Sanctuaries Act of 1972 (33 U.S.C.
11 1415(b)).

12 “(6) Section 9(a) of the Act to Prevent Pollu-
13 tion from Ships (33 U.S.C. 1908(a)).

14 “(7) Section 4109(c) of the Shore Protection
15 Act of 1988 (33 U.S.C. 2609(c)).

16 “(8) Sections 1423 and 1432 of the Safe
17 Drinking Water Act (42 U.S.C. 300h-2, 300i-1).

18 “(9) Sections 3008(d), 3008(e), and 3008(i) of
19 the Resource Conservation and Recovery Act of
20 1976 (42 U.S.C. 6928(d), 6928(e), 6928(i)).

21 “(10) Section 113(c) of the Clean Air Act (42
22 U.S.C. 7413(c)).

23 “(11) Sections 103(b) and 103(d) of the Com-
24 prehensive Environmental Response, Compensation,
25 and Liability Act (42 U.S.C. 9603(b), 9603(d)).

1 be subject to imprisonment for not more than 20 years,
2 of a fine of not more than \$500,000, or both, but, if the
3 defendant is an organization, it shall be subject to a fine
4 of not more than \$2,000,000.

5 “(2) The provisions of law to which this subsection
6 applies are—

7 “(A) section 309(c)(2), 309(c)(4), or 311(b)(5)
8 of the Federal Water Pollution Control Act (33
9 U.S.C. 1319(c)(2), 1319(c)(4), 1321(b)(5));

10 “(B) section 105(b) of the Marine Protection,
11 Research, and Sanctuaries Act of 1972 (33 U.S.C.
12 1415(b));

13 “(C) section 1423 or 1432 of the Safe Drinking
14 Water Act (42 U.S.C. 300h–2, 300i–1);

15 “(D) section 3008(d) of the Resource Conserva-
16 tion and Recovery Act of 1976 (42 U.S.C. 6928(d));

17 “(E) section 113(c)(1) or 113(c)(2) of the
18 Clean Air Act (42 U.S.C. 7413(c)(1), 7413(c)(2));

19 “(F) section 103(b) or 103(d) of the Com-
20 prehensive Environmental Response, Compensation,
21 and Liability Act (42 U.S.C. 9603(b), 9603(d));

22 “(G) section 325(b)(4) of the Emergency Plan-
23 ning and Community Right-to-Know Act of 1986
24 (42 U.S.C. 11045(b)(4)); or

1 “(H) section 5124, 60123(a), or 60123(b) of
2 title 49, United States Code.

3 “(b)(1) Any person who commits a criminal violation
4 of Federal environmental law identified in this subsection
5 that is the direct or proximate cause of serious bodily in-
6 jury to or the death of any other person, including a Fed-
7 eral, State, local, or tribal government employee per-
8 forming official duties as a result of the violation, shall
9 be subject to imprisonment for not more than 5 years,
10 fined under this title, or both, but if the defendant is an
11 organization, it shall be subject to a fine of not more than
12 \$1,000,000.

13 “(2) The provisions of law to which this subsection
14 applies are—

15 “(A) section 14(b) of the Federal Insecticide,
16 Fungicide, and Rodenticide Act (7 U.S.C. 136l(b));
17 and

18 “(B) section 16(b) of the Toxic Substances
19 Control Act (15 U.S.C. 2615(b)).

20 “(c) For purposes of this section, the term ‘serious
21 bodily injury’ means bodily injury which involves—

22 “(1) unconsciousness;

23 “(2) extreme physical pain;

24 “(3) protracted and obvious disfigurement; or

1 (FLETC) in Glynn County, Georgia, at the EPA–FLETC
2 training center, or at other training sites which are acces-
3 sible to State, local, and tribal law enforcement. State,
4 local, and tribal law enforcement personnel shall include,
5 among others, the following: inspectors, civil and criminal
6 investigators, technical experts, regulators, government
7 lawyers, and police.

8 **SEC. 4074. STATUTE OF LIMITATIONS.**

9 (a) IN GENERAL.—Chapter 213 of title 18, United
10 States Code, is amended by adding after section 3294 the
11 following new section:

12 **“§ 3295A. Felony environmental crimes**

13 “(a) No person shall be prosecuted, tried, or punished
14 for a violation of, or a conspiracy to violate, any of the
15 offenses listed in subsection (b), unless the indictment is
16 returned or the information is filed within 5 years after
17 the offense is committed. However, when a person com-
18 mits an affirmative act that conceals the offense from any
19 Federal, State, local, or tribal government agency, that
20 person shall not be prosecuted, tried, or punished for a
21 violation of, or a conspiracy to violate, any of the offenses
22 listed below in subsection (b) unless the indictment is re-
23 turned or the information is filed within 5 years after the
24 offense is committed, or within 3 years after the offense
25 is discovered by a government agency, whichever is later

1 but in no event later than 8 years after the offense is com-
2 mitted.

3 “(b) This section applies to a violation of—

4 “(1) section 309(c)(2), 309(c)(3), 309(c)(4), or
5 311(b)(5) of the Federal Water Pollution Control
6 Act (33 U.S.C. 1319(c)(2), 1319(c)(3), 1319(c)(4),
7 1321(b)(5));

8 “(2) section 105(b) of the Marine Protection,
9 Research, and Sanctuaries Act of 1972 (33 U.S.C.
10 1415(b));

11 “(3) section 9(a) of the Act to Prevent Pollu-
12 tion from Ships (33 U.S.C. 1908(a));

13 “(4) section 4109(c) of the Shore Protection
14 Act of 1988 (33 U.S.C. 2609(c));

15 “(5) section 1423 or 1432 of the Safe Drinking
16 Water Act (42 U.S.C. 300h-2, 300i-1);

17 “(6) section 3008(d) or 3008(e) of the Re-
18 source Conservation and Recovery Act of 1976 (42
19 U.S.C. 6928(d), 6928(e));

20 “(7) section 113(c)(1), 113(c)(2), 113(c)(3), or
21 113(c)(5) of the Clean Air Act (42 U.S.C.
22 7413(c)(1), 7413(c)(2), 7413(c)(3), 7413(c)(5));

23 “(8) section 103(b) or 103(d) of the Com-
24 prehensive Environmental Response, Compensation,
25 and Liability Act (42 U.S.C. 9603(b), 9603(d));

1 “(9) section 325(b)(4) of the Emergency Plan-
2 ning and Community Right-to-Know Act of 1986
3 (42 U.S.C. 11045(b)(4)); or

4 “(10) section 5124, 60123(a), or 60123(b) of
5 title 49, United States Code.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 of chapter 213 of title 18, United States Code, is amended
8 by inserting after the item relating to section 3294 the
9 following new item:

 “3295A. Felony environmental crimes.”.

10 **SEC. 4075. ATTEMPTS.**

11 (a) FEDERAL INSECTICIDE, FUNGICIDE, AND
12 RODENTICIDE ACT.—Section 14(b) of the Federal Insecti-
13 cide, Fungicide, and Rodenticide Act (7 U.S.C. 136l(b))
14 is amended by adding at the end the following new para-
15 graph:

16 “(5) ATTEMPTS.—Any person who attempts to
17 commit the conduct that constitutes an offense
18 under paragraph (1) of this subsection shall be sub-
19 ject to the same penalties as those prescribed for
20 such an offense.”.

21 (b) TOXIC SUBSTANCES CONTROL ACT.—Section
22 16(b) of the Toxic Substances Control Act (15 U.S.C.
23 2615(b)), is amended by—

24 (1) inserting “(1)” before “Any”; and

1 (2) adding at the end the following new para-
2 graph:

3 “(2) Any person who attempts to commit the
4 conduct that constitutes any offense under para-
5 graph (1) of this subsection shall be subject to the
6 same penalties as those prescribed for such of-
7 fense.”.

8 (c) FEDERAL WATER POLLUTION CONTROL ACT.—
9 Section 309(c) of the Federal Water Pollution Control Act
10 (33 U.S.C. 1319(c)) is amended by adding after para-
11 graph (7) the following new paragraph:

12 “(8) Any person who attempts to commit the
13 conduct that constitutes any offense under para-
14 graph (2), (3), or (4) of this subsection shall be sub-
15 ject to the same penalties as those prescribed for
16 such offense.”.

17 (d) OCEAN DUMPING.—Section 105(b) of the Marine
18 Protection, Research, and Sanctuaries Act of 1972 (33
19 U.S.C. 1415(b)) is amended by—

20 (1) striking “and” at the end of paragraph (1);

21 (2) striking the period at the end of paragraph

22 (2) and inserting “; and”; and

23 (3) adding after paragraph (2) the following
24 new paragraph:

1 “(3) any person who attempts to commit con-
2 duct that constitutes an offense under paragraph (1)
3 of this subsection shall be subject to the same pen-
4 alties as those prescribed for such offense.”.

5 (e) MARPOL.—Section 9(a) of the Act to Prevent
6 Pollution from Ships (33 U.S.C. 1908(a)) is amended
7 by—

8 (1) inserting “(1)” before “A person”; and

9 (2) adding at the end the following new para-
10 graph:

11 “(2) Any person who attempts to commit con-
12 duct that constitutes an offense under paragraph (1)
13 of this subsection shall be subject to the same pen-
14 alties as those prescribed for such offense.”.

15 (f) SOLID WASTE DISPOSAL ACT.—Section 3008 of
16 the Solid Waste Disposal Act (42 U.S.C. 6928) is amend-
17 ed by adding after subsection (h) the following new sub-
18 section:

19 “(i) Any person who attempts to commit the
20 conduct that constitutes any offense under sub-
21 section (d) or (e) of this section shall be subject to
22 the same penalties as those prescribed for such of-
23 fense.”.

1 (g) CLEAN AIR ACT.—Section 113(c) of the Clean
2 Air Act (42 U.S.C. 7413(c)) is amended by adding after
3 paragraph (6) the following new paragraph:

4 “(7) Any person who attempts to commit the
5 conduct that constitutes any offense under para-
6 graphs (1), (2), or (3) of this subsection shall be
7 subject to the same penalties as those prescribed for
8 such offense.”.

9 **SEC. 4076. ENVIRONMENTAL CRIMES RESTITUTION.**

10 (a) GENERALLY.—Section 3663(a)(1) of title 18,
11 United States Code, is amended by—

12 (1) striking “or” before “section 46312” ; and

13 (2) inserting “or an environmental crime listed
14 in section 3674 of this title,” after “section
15 3663“(c),”.

16 (b) DEFINITION OF “VICTIM”.—Subsection 3663(b)
17 of title 18, United States Code, is amended—

18 (1) by striking “and” at the end of paragraph

19 (4);

20 (2) by striking the period at the end of para-
21 graph (5) and inserting “; and”; and

22 (3) by inserting after paragraph (5) the fol-
23 lowing:

24 “(6) in the case of an offense resulting in pollu-
25 tion of or damage to the environment, pay for re-

1 “(2) the defendant will thereby reduce or im-
2 pair the defendant’s ability to pay restitution, in
3 whole or in part, including removal and remediation
4 of environmental pollution or damage and restora-
5 tion of the environment resulting from the statutory
6 violation, the court may order the defendant not to
7 alienate or dispose of any such property, or place
8 such property outside the jurisdiction of the United
9 States district courts, without leave of the court.
10 The Government shall bear the burden of proving,
11 by a preponderance of the evidence, the projected
12 cost for the removal and remediation of the environ-
13 mental pollution or damage and restoration of the
14 environment.

15 “(b) DEFENSES.—The defendant may establish the
16 following affirmative defenses to a motion by the Govern-
17 ment under this section:

18 “(1) That the defendant possesses other assets
19 sufficient to pay restitution, including the costs of
20 removal and remediation of the environmental pollu-
21 tion or damage and restoration of the environment
22 resulting from the statutory violation, provided that
23 the defendant places those other assets under the
24 control of the court.

1 “(2) That the defendant has made full restitu-
2 tion, including the removal and remediation of the
3 environmental pollution or damage and restoration
4 of the environment.

5 “(c) PROCEDURES.—Any proceeding under this sec-
6 tion is governed by the Federal Rules of Criminal Proce-
7 dure.

8 “(d) PROPERTY DEFINED.—For the purposes of this
9 section, ‘property’ shall include—

10 “(1) real property, including things growing on,
11 affixed to, and found in or on land; and

12 “(2) tangible and intangible personal property,
13 including money, rights, privileges, interests, claims,
14 and securities.

15 “(e) EXPIRATION OF ORDER.—The court may amend
16 an order issued pursuant to this section at any time. In
17 no event, however, shall the order extend beyond sen-
18 tencing, in the case of a conviction, or a dismissal or ac-
19 quittal of the prosecution.

20 “(f) ALL WRITS ACT.—Nothing in this section dimin-
21 ishes the powers of the court otherwise available under
22 section 1651 of title 28.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 for chapter 39 of title 18, United States Code, is amended

1 by adding after the item relating to section 838 the fol-
2 lowing new item:

“839. Prejudgment orders to secure payment for environmental damage.”.

3 **Subtitle H—Hate Crimes**
4 **Prevention Act**

5 **SEC. 4081. SHORT TITLE.**

6 Subtitle H of this title may be cited as the “Hate
7 Crimes Prevention Act of 2000”.

8 **SEC. 4082. STATEMENT OF FINDINGS.**

9 Congress finds that—

10 (1) The incidence of violence motivated by the
11 actual or perceived race, color, national origin, reli-
12 gion, sexual orientation, gender, or disability of the
13 victim poses a serious national problem;

14 (2) such violence disrupts the tranquility and
15 safety of communities and is deeply divisive;

16 (3) existing Federal law is inadequate to ad-
17 dress this problem;

18 (4) such violence affects interstate commerce in
19 many ways, including—

20 (A) by impeding the movement of members
21 of targeted groups and forcing such members to
22 move across State lines to escape the incidence
23 or risk of such violence; and

24 (B) by preventing members of targeted
25 groups from purchasing goods and services, ob-

1 taining or sustaining employment or partici-
2 pating in other commercial activity;

3 (5) perpetrators cross State lines to commit
4 such violence;

5 (6) instrumentalities of interstate commerce are
6 used to facilitate the commission of such violence;

7 (7) such violence is committed using articles
8 that have traveled in interstate commerce;

9 (8) violence motivated by bias that is a relic of
10 slavery can constitute badges and incidents of slav-
11 ery;

12 (9) although many State and local authorities
13 are now and will continue to be responsible for pros-
14 ecuting the overwhelming majority of violent crimes
15 in the United States, including violent crimes moti-
16 vated by bias, Federal jurisdiction over certain vio-
17 lent crimes motivated by bias is necessary to supple-
18 ment State and local jurisdiction and ensure that
19 justice is achieved in each case;

20 (10) Federal jurisdiction over certain violent
21 crimes motivated by bias enables Federal, State, and
22 local authorities to work together as partners in the
23 investigation and prosecution of such crimes; and

24 (11) the problem of hate crime is sufficiently
25 serious, widespread, and interstate in nature as to

1 warrant Federal assistance to States and local juris-
2 dictions.

3 **SEC. 4083. DEFINITION OF HATE CRIME.**

4 In this Act, the term “hate crime” has the same
5 meaning as in section 280003(a) of the Violent Crime
6 Control and Law Enforcement Act of 1994 (28 U.S.C.
7 994 note).

8 **SEC. 4084. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.**

9 Section 245 of title 18, United States Code, is
10 amended—

11 (1) by redesignating subsections (c) and (d) as
12 subsections (d) and (e), respectively; and

13 (2) by inserting after subsection (b) the fol-
14 lowing:

15 “(c)(1) Whoever, whether or not acting under color
16 of law, willfully causes bodily injury to any person or,
17 through the use of fire, a firearm, or an explosive device,
18 attempts to cause bodily injury to any person, because of
19 the actual or perceived race, color, religion, or national
20 origin of any person—

21 “(A) shall be imprisoned not more than 10
22 years, or fined in accordance with this title, or both;
23 and

1 “(B) shall be imprisoned for any term of years
2 or for life, or fined in accordance with this title, or
3 both if—

4 “(i) death results from the acts committed
5 in violation of this paragraph; or

6 “(ii) the acts committed in violation of this
7 paragraph include kidnapping or an attempt to
8 kidnap, aggravated sexual abuse or an attempt
9 to commit aggravated sexual abuse, or an at-
10 tempt to kill.

11 “(2)(A) Whoever, whether or not acting under color
12 of law, in any circumstance described in subparagraph
13 (B), willfully causes bodily injury to any person or,
14 through the use of fire, a firearm, or an explosive device,
15 attempts to cause bodily injury to any person, because of
16 the actual or perceived religion, gender, sexual orientation,
17 or disability of any person—

18 “(i) shall be imprisoned not more than 10
19 years, or fined in accordance with this title, or both;
20 and

21 “(ii) shall be imprisoned for any term of years
22 or for life, or fined in accordance with this title, or
23 both, if—

24 “(I) death results from the acts committed
25 in violation of this paragraph; or

1 “(II) the acts committed in violation of
2 this paragraph include kidnapping or an at-
3 tempt to kidnap, aggravated sexual abuse or an
4 attempt to commit aggravated sexual abuse, or
5 an attempt to kill.

6 “(B) For purposes of subparagraph (A), the
7 circumstances described in this subparagraph are
8 that—

9 “(i) in connection with the offense, the de-
10 fendant or the victim travels in interstate or
11 foreign commerce, uses a facility or instrumen-
12 tality of interstate or foreign commerce, or en-
13 gages in any activity affecting interstate or for-
14 eign commerce; or

15 “(ii) the offense is in or affects interstate
16 or foreign commerce.”.

17 **SEC. 4085. DUTIES OF THE UNITED STATES SENTENCING**
18 **COMMISSION.**

19 (a) AMENDMENT OF FEDERAL SENTENCING GUIDE-
20 LINES.—Pursuant to its authority under section 994 of
21 title 28, United States Code, the United States Sentencing
22 Commission shall study the issue of adult recruitment of
23 juveniles to commit hate crimes and shall, if appropriate,
24 amend the Federal sentencing guidelines to provide sen-
25 tencing enhancements (in addition to the sentencing en-

1 hancement provided for the use of a minor during the
2 commission of an offense) for adult defendants who recruit
3 juveniles to assist in the commission of hate crimes.

4 (b) CONSISTENCY WITH OTHER GUIDELINES.—In
5 carrying out this section, the United States Sentencing
6 Commission shall—

7 (1) ensure that there is reasonable consistency
8 with other Federal sentencing guidelines; and

9 (2) avoid duplicative punishments for substan-
10 tially the same offense.

11 **SEC. 4086. GRANT PROGRAM.**

12 (a) AUTHORITY TO MAKE GRANTS.—The Office of
13 Justice Programs of the Department of Justice shall make
14 grants, in accordance with such regulations as the Attor-
15 ney General may prescribe, to State and local programs
16 designed to combat hate crimes committed by juveniles,
17 including programs to train local law enforcement officers
18 in investigating, prosecuting, and preventing hate crimes.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as may be
21 necessary to carry out this section.

1 **SEC. 4087. AUTHORIZATION FOR ADDITIONAL PERSONNEL**
2 **TO ASSIST STATE AND LOCAL LAW ENFORCE-**
3 **MENT.**

4 There are authorized to be appropriated to the De-
5 partment of the Treasury and the Department of Justice,
6 including the Community Relations Service, for fiscal
7 years 2002 and 2003 such sums as are necessary to in-
8 crease the number of personnel to prevent and respond
9 to alleged violations of section 245 of title 18, United
10 States Code (as amended by this Act).

11 **SEC. 4088. SEVERABILITY.**

12 If any provision of this Act, an amendment made by
13 this Act, or the application of such provision or amend-
14 ment to any person or circumstance is held to be unconsti-
15 tutional, the remainder of this Act, the amendments made
16 by this Act, and the application of the provisions of such
17 to any person or circumstance shall not be affected there-
18 by.

1 **TITLE V—STRENGTHENING FED-**
2 **ERAL CRIMINAL LAWS TO**
3 **COMBAT VIOLENT AND**
4 **WHITE-COLLAR CRIME**

5 **Subtitle A—Bolstering Federal Law**
6 **To Fight Violent Crime and Ap-**
7 **prehend Dangerous Fugitives**

8 **SEC. 5001. FUGITIVE APPREHENSION ACT OF 2000.**

9 (a) Chapter 49 of title 18, United States Code, is
10 amended by adding a new section at the end as follows:

11 **“§ 1075. Administrative subpoenas to apprehend fugi-**
12 **tives**

13 “(a) In any investigation with respect to the appre-
14 hension of a fugitive, the Attorney General may subpoena
15 witnesses for the purpose of the production of any records
16 (including books, papers, documents, electronic data and
17 other tangible and intangible things, which constitute or
18 contain evidence) which may be relevant to the investiga-
19 tion. The attendance of witnesses and the production of
20 records may be required from any place in any state or
21 other place subject to the jurisdiction of the United States
22 at any designated place where the witness was served with
23 a subpoena, except that a witness shall not be required
24 to appear more than 500 miles distant from the place
25 where he was served. Witnesses summoned under this sec-

1 tion shall be paid the same fees and mileage that are paid
2 witnesses in the courts of the United States.

3 “(b) A subpoena issued under this section may be
4 served by any person designated in the subpoena to serve
5 it. Service upon a natural person may be made by personal
6 delivery of the subpoena to that person or by certified mail
7 with return receipt requested. Service may be made upon
8 a domestic or foreign corporation or upon a partnership
9 or other unincorporated association which is subject to
10 suit under a common name, by delivering the subpoena
11 to an officer, to a managing or general agent, or to any
12 other agent authorized by appointment or by law to receive
13 service of process. The affidavit of the person serving the
14 subpoena entered on a true copy thereof by the person
15 serving it shall be proof of service.

16 “(c) In the case of the contumacy by or refusal to
17 obey a subpoena issued to any person, the Attorney Gen-
18 eral may invoke the aid of any court of the United States
19 within the jurisdiction of which the investigation is carried
20 on or of which the subpoenaed person is an inhabitant,
21 or in which he carries on business or maybe found, to com-
22 pel compliance with the subpoena. The court may issue
23 an order requiring the subpoenaed person to appear before
24 the Attorney General to produce records if so ordered. Any
25 failure to obey the order of the court may be punishable

1 by the court as contempt thereof. All process in any such
2 case may be served in any judicial district in which the
3 person may be found.

4 “(d) As used in this section—

5 “(1) the term ‘fugitive’ means a person who—

6 “(A) having been accused by complaint, in-
7 formation or indictment under Federal law or
8 having been convicted of committing a felony
9 under Federal law, flees or attempts to flee
10 from or evades or attempts to evade the juris-
11 diction of the court with jurisdiction over the
12 felony;

13 “(B) having been accused by complaint, in-
14 formation or indictment (or equivalent docu-
15 ment) under state law or having been convicted
16 of committing a felony under state law, flees or
17 attempts to flee from, or evades or attempts to
18 evade, the jurisdiction of the court with juris-
19 diction over the felony;

20 “(C) escapes from lawful Federal or State
21 custody after having been accused by complaint,
22 information or indictment (or equivalent docu-
23 ment under State law) or having been convicted
24 of committing a felony under Federal or State
25 law; or

1 “(D) is in violation of clause (2) or (3) of
2 the first paragraph of section 1073 of this title;

3 “(2) the term ‘investigation’ means, with re-
4 spect to a state fugitive described in subparagraph
5 (1)(B) or who has escaped from state custody under
6 subparagraph (1)(C), an investigation in which there
7 is reason to believe that the fugitive fled from or
8 evaded, or attempted to flee from or evade, the juris-
9 diction of the court, or escaped from custody, in or
10 affecting, or using any facility of, interstate or for-
11 eign commerce, or as to whom an appropriate law
12 enforcement officer or official of a State or political
13 subdivision has requested the Attorney General to
14 assist in the investigation, and the Attorney General
15 finds that the particular circumstances of the re-
16 quest give rise to a Federal interest sufficient for
17 the exercise of Federal jurisdiction pursuant to sec-
18 tion 1075;

19 “(3) the term ‘state’ means a state of the
20 United States, the District of Columbia, and any
21 commonwealth, territory, or possession of the United
22 States; and

23 “(4) the term ‘relevant or material’ means there
24 are articulable facts that show the fugitive’s where-
25 abouts may be discerned from the records sought.

1 “(e) The provisions of this section shall be construed
2 and applied in a manner consistent with section 2703 of
3 title 18, and section 3402 of title 12, of the United States
4 Code.

5 “(f) The Attorney General may delegate the authori-
6 ties provided in this section only pursuant to the issuance
7 of formal guidelines.”.

8 (b) The table of sections for chapter 49 of title 18,
9 United States Code, is amended by adding at the end the
10 following:

“1075. Administrative subpoenas to apprehend fugitives.”.

11 **SEC. 5002. AMENDMENTS RELATING TO VIOLENT CRIME IN**
12 **INDIAN COUNTRY AND AREAS OF EXCLUSIVE**
13 **FEDERAL JURISDICTION.**

14 (a) Section 1365(g)(3) of title 18, United States
15 Code, is amended by striking “means bodily injury which
16 involves—” and inserting “means bodily injury which re-
17 quires medical intervention or involves—”.

18 (b) Section 113(a)(3) of title 18, United States Code,
19 is amended by striking “with intent to do bodily harm,
20 and”.

21 (c)(1) Section 113(a)(7) of title 18, United States
22 Code, is amended by striking “to an individual who has
23 not attained the age of 16 years”.

24 (2) Section 1153 of title 18, United States Code, is
25 amended C

1 (A) in subsection (a), by striking “an assault
2 against an individual who has not attained the age
3 of 16 years” and inserting “assault resulting in sub-
4 stantial bodily injury”; and

5 (B) by adding at the end a new subsection (c)
6 as follows:

7 “(c) Nothing in this section shall limit the inherent
8 power of Indian tribes to exercise criminal jurisdiction
9 over all Indians with respect to any offense within Indian
10 country, subject to the limitations on punishment set forth
11 in paragraph (7) of section 202 of the Act of April 11,
12 1969 (25 U.S.C. 1302(7)).”.

13 (d) Section 1961(1)(A) of title 18, United States
14 Code, is amended by inserting “or would have been so
15 chargeable except that the act or threat was committed
16 in Indian country, as defined in section 1151, or in any
17 other area of exclusive Federal jurisdiction” after “charge-
18 able under State law”.

19 (e) Section 1112(b) of title 18, United States Code,
20 is amended by striking “ten years” and inserting “twenty
21 years”.

22 (f) Section 1153(a) of title 18, United States Code,
23 is amended by inserting “an offense for which the max-
24 imum statutory term of imprisonment under section 1363

1 is greater than five years,” after “a felony under chapter
2 109A,”.

3 (g) Section 1163 of title 18, United States Code, is
4 amended in the second paragraph by striking “so”.

5 **SEC. 5003. KIDNAPPING.**

6 Section 1201(a) of title 18, United States Code, is
7 amended—

8 (1) by striking “or” at the end of paragraph (4); and

9 (2) by adding at the end the following new para-
10 graphs:

11 “(6) an individual travels in interstate or for-
12 eign commerce in furtherance of the offense; or

13 “(7) the mail or a facility in interstate or for-
14 eign commerce is used in furtherance of the of-
15 fense;”.

16 **SEC. 5004. OFFENSES COMMITTED OUTSIDE THE UNITED**
17 **STATES BY PERSONS ACCOMPANYING THE**
18 **ARMED FORCES.**

19 (a) Title 18, United States Code, is amended by in-
20 serting after chapter 211 the following:

1 **“CHAPTER 212—CRIMINAL OFFENSES**
2 **COMMITTED OUTSIDE THE UNITED**
3 **STATES**

4 **“§ 3261. Criminal offenses committed by persons for-**
5 **merly serving with, or presently em-**
6 **ployed by or accompanying, the armed**
7 **forces outside the United States**

8 “(a) Whoever, while serving with, employed by, or ac-
9 companying the armed forces outside the United States,
10 engages in conduct which would constitute an offense pun-
11 ishable by imprisonment for more than one year if the con-
12 duct had been engaged in within the special maritime and
13 territorial jurisdiction of the United States, shall be guilty
14 of a like offense and subject to a like punishment.

15 “(b) Nothing contained in this chapter deprives
16 courts-martial, military commissions, provost courts, or
17 other military tribunals of concurrent jurisdiction with re-
18 spect to offenders or offenses that by statute or by the
19 law of war may be tried by courts-martial, military com-
20 missions, provost courts, or other military tribunals.

21 “(c) No prosecution may be commenced under this
22 section if a foreign government, in accordance with juris-
23 diction recognized by the United States, has prosecuted
24 or is prosecuting such person for the conduct constituting
25 such offense, except upon the approval of the Attorney

1 General of the United States or the Deputy Attorney Gen-
2 eral of the United States (or a person acting in either such
3 capacity), which function of approval may not be dele-
4 gated.”

5 “(d)(1) The Secretaries of Defense and Transpor-
6 tation may designate and authorize any person serving in
7 a law enforcement position in the Department of Defense
8 and the Department of Transportation when the Coast
9 Guard is not operating as part of the Navy to arrest out-
10 side the United States any person described in subsection
11 (a) of this section who there is probable cause to believe
12 engaged in conduct which constitutes a criminal offense
13 under such section.

14 “(2) A person arrested under paragraph (1) of this
15 section shall be released to the custody of civilian law en-
16 forcement authorities of the United States for removal to
17 the United States for judicial proceedings in relation to
18 conduct referred to in such paragraph unless—

19 “(A) such person is delivered to authorities of
20 a foreign country under section 3262 of this title; or

21 “(B) charges are preferred against such person
22 under chapter 47 of title 10 for such conduct.

23 **“§ 3262. Delivery to authorities of foreign countries**

24 “(a) A person in the custody of the United States
25 for an alleged violation of section 3261(a) of this title may

1 be delivered to the appropriate authorities of a foreign
2 country in which such person is alleged to have engaged
3 in conduct described in such subsection (a) of this section
4 if—

5 “(1) the appropriate authorities of that country
6 request the delivery of the person to such country
7 for trial for such conduct as an offense under the
8 laws of that country; and

9 “(2) the delivery of such person to that country
10 is authorized by a treaty or other international
11 agreement to which the United States is a party.

12 “(b) The Secretary of Defense, in consultation with
13 the Secretary of State, shall determine what officials of
14 a foreign country constitute appropriate authorities for
15 the purpose of this section.

16 **“§ 3263. Regulations**

17 “The Secretary of Defense and the Commandant of
18 the Coast Guard, in consultation with the Secretary of
19 State, shall each issue regulations governing the apprehen-
20 sion, detention, and removal of persons under this chapter.

21 Such regulations shall be uniform throughout the Depart-
22 ment of Defense and the Coast Guard, respectively.

23 **“§ 3264. Definitions for chapter**

24 “As used in this chapter—

1 “(1) a person is ‘employed by the armed forces
2 outside the United States’—

3 “(A) if he or she is employed as a civilian
4 employee of a military department or of the De-
5 partment of Defense, as a Department of De-
6 fense contractor, or as an employee of a De-
7 partment of Defense contractor;

8 “(B) is present or residing outside the
9 United States in connection with such employ-
10 ment; and

11 “(C) is not a national of the host nation;

12 and

13 “(2) a person is ‘accompanying the armed
14 forces outside the United States’ if he or she—

15 “(A) is a dependent of a member of the
16 armed forces or of a civilian employee of a mili-
17 tary department or of the Department of De-
18 fense;

19 “(B) is residing with the member or civil-
20 ian employee outside the United States; and

21 “(C) is not a national of the host nation.”.

22 (b) The table of chapters at the beginning of part
23 II of title 18, United States Code, is amended by inserting
24 after the item relating to chapter 211 the following:

**“212. Criminal Offenses Committed Outside the United
States 3261”.**

1 **SEC. 5005. STATUS KILLINGS OF FEDERAL EMPLOYEES AND**
2 **CONSOLIDATION OF 18 U.S.C. 1114 AND 1121.**

3 (a) Section 1114 of title 18, United States Code, is
4 amended—

5 (1) by inserting “or because of the status of the
6 victim as such an officer or employee,” after “on ac-
7 count of the performance of official duties,”; and

8 (2) by inserting “or, if the person assisting is
9 an officer or employee of a State, local or Indian
10 tribal government, because of the status of the vic-
11 tim as such an officer or employee,” after “on ac-
12 count of that assistance,”.

13 (b) Section 1121 of title 18, United States Code, is
14 amended—

15 (1) by striking “persons aiding Federal inves-
16 tigation or” in the heading; and

17 (2) by striking subsection (a) and redesignating
18 subsections (b) and (c) as subsections (a) and (b).

19 **SEC. 5006. THREATS AGAINST FORMER PRESIDENTS AND**
20 **OTHERS ELIGIBLE FOR SECRET SERVICE**
21 **PROTECTION.**

22 Section 879 of title 18, United States Code, is
23 amended—

24 (1) in paragraph (a)(3), by striking “the
25 spouse” and inserting “a member of the immediate
26 family”;

1 (2) by striking “or” at the end of paragraph
2 (a)(2);

3 (3) by inserting “or” at the end of paragraph
4 (a)(3);

5 (4) by inserting after paragraph (a)(3) the fol-
6 lowing new paragraph:

7 “(4) any other person who is protected pursu-
8 ant to section 3056(a)(6) of this title.”;

9 (5) by striking in paragraph (a) “who is pro-
10 tected by the Secret Service as provided by law,”;
11 and

12 (6) in paragraph (b)(1)(B)—

13 (A) by inserting “and (a)(3)” after “sub-
14 section (a)(2)”;

15 (B) by striking “or” after “Vice Presi-
16 dent”, and by inserting “or major candidate for
17 office of President or Vice President” after
18 “Vice President-elect.”.

19 **SEC. 5007. PARTICIPATION OF FOREIGN AND STATE GOV-**
20 **ERNMENT PERSONNEL UNDER FEDERAL SU-**
21 **PERVISION IN CERTAIN INTERCEPTIONS.**

22 Section 2518(8) of title 18, United States Code, is
23 amended by inserting “(including personnel of a foreign
24 government or of a State or subdivision of a State or of
25 an Indian tribe after “Government personnel”.

1 **SEC. 5008. REMOVAL OF THE SUNSET PROVISION FOR THE**
2 **S VISA CLASSIFICATION PROGRAM.**

3 Section 214(k)(2) of the Immigration and Nationality
4 Act of 1952, as amended (8 U.S.C. 1184(k)(2)) is re-
5 pealed.

6 **SEC. 5009. FEDERAL JUDICIARY SECURITY ACT.**

7 Section 566 (e)(1)(A) of title 28, United States Code,
8 is amended to read as follows: “(A) provide for the per-
9 sonal protection of, and residential security for, Federal
10 jurists and provide for the personal protection of court of-
11 ficers, witnesses, and other threatened persons in the in-
12 terest of justice where criminal intimidation impedes on
13 the functioning of the judicial process or any other official
14 proceeding;”.

15 **SEC. 5010. AUTOPSY AUTHORITY.**

16 (a) Chapter 31 of title 28, United States Code, is
17 amended by adding at the end the following:

18 **“§ 530C. Autopsy authority in criminal investigations**

19 “Notwithstanding any other law, the Attorney Gen-
20 eral or the head of any other Federal agency with jurisdic-
21 tion to detect or investigate an offense or possible offense
22 against the United States, within or outside the United
23 States, may, when deemed necessary or appropriate in the
24 conduct of that investigation, take custody of, and order
25 an autopsy and related scientific or medical tests to be
26 performed on the body of, a deceased victim. To the extent

1 consistent with the needs of the autopsy or of specific sci-
 2 entific or medical tests, provisions of any applicable law
 3 protecting religious beliefs with respect to such autopsies
 4 or tests shall be observed. Before ordering an autopsy or
 5 related tests under this section, the Attorney General or
 6 other Federal agency head, as the case may be, shall en-
 7 deavor to inform the family of the deceased victim, if
 8 known, that the autopsy will be performed. After the au-
 9 topsy and any related tests have been performed, the re-
 10 mains of the deceased victim, if known, shall be returned
 11 as soon as practicable to the victim’s family.”.

12 (b) The table of sections for chapter 31 of title 28,
 13 United States Code, is amended by inserting at the end:
 “530C. Autopsy authority in criminal investigations.”.

14 **SEC. 5011. ADMINISTRATIVE SUMMONS AUTHORITY FOR**
 15 **THE UNITED STATES SECRET SERVICE’S PRO-**
 16 **TECTIVE FUNCTION RESPONSIBILITIES.**

17 (a) Chapter 203 of title 18, United States Code, is
 18 amended by inserting the following new section after sec-
 19 tion 3056:

20 **“§ 3056A. Administrative summons authority for the**
 21 **United States Secret Service’s protective**
 22 **function responsibilities**

23 “(a) **AUTHORITY.**—Pursuant to regulations promul-
 24 gated by the Secretary of the Treasury or his delegate,
 25 the Director of the United States Secret Service, and su-

1 pervisory special agents of the United States Secret Serv-
2 ice designated by the Director, may issue in writing and
3 cause to be served upon a person or entity, a summons
4 requiring the production of documents, records (including
5 records of information in electronic form), or other tan-
6 gible things. Any such summons shall be predicated upon
7 a determination that there is reason to believe that the
8 person or entity may possess or have control of such docu-
9 ments, records (including records of information in elec-
10 tronic form), or other tangible things, which may be rel-
11 evant, or may lead to the discovery of information rel-
12 evant, to the investigation of an imminent threat to the
13 life or safety of the President of the United States or any
14 other person described in section 3056. The United States
15 Secret Service shall notify the Attorney General or her
16 designee as soon as is practicable of the issuance of any
17 summons under this section.

18 “(b) CONTENTS.—A summons issued under this sec-
19 tion shall—

20 “(1) describe materials to be produced with suf-
21 ficient clarity and particularity to permit the mate-
22 rials to be identified; and

23 “(2) establish a return date that provides a rea-
24 sonable period of time within which the materials
25 can be assembled and made available.

1 “(c) SERVICE.—A summons issued under this section
2 may be served by any person designated in the summons
3 to serve it, and the affidavit of the person serving the sum-
4 mons shall be proof of service. A summons may be served
5 on a natural person by personal delivery of the summons
6 to the person. A summons may be served on a domestic
7 or foreign corporation or on a partnership or other unin-
8 corporated association or entity by delivering the summons
9 personally to an officer, managing or general agent, or any
10 other agent authorized by appointment, or by the law of
11 any State or jurisdiction, to receive service of process.

12 “(d) PLACE OF SERVICE.—A summons issued under
13 this section may be served at any place within the United
14 States or any place subject to the laws or the jurisdiction
15 of the United States.

16 “(e) RESPONSE TO SUMMONS.—Any person or entity
17 served with a summons issued pursuant to this section
18 shall assemble the materials requested and shall produce
19 them on the date and at the place specified in the sum-
20 mons.

21 “(f) ENFORCEMENT.—

22 “(1) In the case of neglect or refusal to obey
23 a summons issued and served under this section, the
24 Attorney General or his designee may, upon request
25 of the United States Secret Service, invoke the aid

1 of the United States District Court for any district
2 where the investigation is being carried on, the sum-
3 mons was served, or the summoned person carries
4 on business or may be found, to compel compliance
5 with the summons.

6 “(2) Not later than 10 days after the earlier of
7 the service of a summons issued under this section,
8 or the return date specified in such summons, a per-
9 son or entity served with such summons may file in
10 the United States District Court for the district in
11 which the investigation is to be carried on or in
12 which the summons was served, a petition for an
13 order modifying or setting aside the summons, or
14 any prohibition of disclosure order issued under sub-
15 section (i). The petition shall specify each ground
16 upon which the petitioner relies in seeking relief. An
17 order for disclosure of a summons issued pursuant
18 to subsection (i) shall not be grounds for modifying
19 or setting aside the summons itself.

20 “(g) JURISDICTION.—The United States District
21 Courts shall have jurisdiction to hear and determine the
22 matters arising under this section. Any failure to obey an
23 order entered under this section by such court may be
24 punished as a contempt thereof. Any petition filed or order
25 entered relating to a summons issued and served with an

1 order prohibiting disclosure pursuant to subsection (i)
2 shall be under seal. All proceedings relating to or arising
3 from a summons or order prohibiting disclosure issued in
4 connection with the collection of positive foreign intel-
5 ligence or counterintelligence shall be under seal and in
6 compliance with applicable statutes, regulations, and or-
7 ders relating to the handling and disclosure of classified
8 information.

9 “(h) LIMITATIONS.—

10 “(1) Except as expressly provided in this sec-
11 tion, nothing in this section shall supersede the pro-
12 visions of any other law of the United States that
13 regulates access to materials by Federal agencies.

14 “(2) Summons issued under this section shall
15 not require the production of materials that would
16 be held to be unreasonable or protected from disclo-
17 sure if sought in a subpoena duces tecum issued by
18 a court of the United States.

19 “(3) Nothing in this section or in any other
20 statute or rule shall be construed to prohibit the use
21 of materials or the information obtained pursuant to
22 this section in any investigation or proceeding.

23 “(i) PROHIBITION OF DISCLOSURE.—Notwith-
24 standing any other provision of Federal, State, or local
25 law, a United States District Court for any district in

1 which the investigation is being carried on may, upon ap-
2 plication of the United States and without notice to a sum-
3 mons recipient, issue an ex parte order that no person or
4 entity served with a summons pursuant to this section and
5 no representative of such a person or entity, shall disclose
6 to any other person or entity the existence of the sum-
7 mons, for a period of up to 90 days. Such order may be
8 issued on a showing that the materials being sought may
9 be relevant to a legitimate law enforcement inquiry involv-
10 ing an imminent threat to the President of the United
11 States or any other person described in section 3056, or
12 any threat under section 871 or 879, and that there is
13 reason to believe that such disclosure may result in
14 endangerment to the life or physical safety of any person
15 or flight from arrest or prosecution. The period of non-
16 disclosure may be renewed for additional periods of up to
17 90 days pursuant to this subsection. Nothing in this sub-
18 section shall prohibit any person from disclosing the serv-
19 ice of a summons pursuant to this section to any attorney
20 in confidence for the purpose of obtaining legal advice.

21 “(j) THIRD-PARTY PRODUCTION.—Any third party
22 record keeper, agent, or employee thereof, who, in good
23 faith reliance on an order prohibiting disclosure issued
24 pursuant to this section, produces any materials and does
25 not disclose such production to the subject of the records,

1 shall not be liable to any customer or other person or enti-
2 ty for such nondisclosure.

3 “(k) RETURN OF RECORDS.—When any documen-
4 tary material has been produced by any person or entity
5 under this section, and no case or proceeding arising
6 therefrom has been instituted within a reasonable time
7 after completion of the analysis of all evidence assembled
8 in the course of the United States Secret Service’s protec-
9 tive function responsibilities, such person or entity shall
10 be entitled, upon written demand made upon the Director
11 of the Secret Service, to the return of all documentary ma-
12 terial other than copies thereof made pursuant to this sec-
13 tion.”.

14 (b) TECHNICAL AMENDMENT.—The table of sections
15 for chapter 203 of title 18, United States Code, is amend-
16 ed by inserting after the item relating to section 3056 the
17 following:

“3056A. Administrative Summons Authority for the United States Secret Serv-
ice’s Protective Function Responsibilities.”.

18 **SEC. 5012. ESTABLISHING PERMANENT ONE PERCENT RE-**
19 **SEARCH AND EVALUATION SET-ASIDES FOR**
20 **CERTAIN PROGRAMS.**

21 (a) Section 20108 of the Violent Crime Control and
22 Law Enforcement Act of 1994 (42 U.S.C. 13708) is
23 amended—

24 (1) in subsection (b)(3)—

1 (A) by deleting subparagraphs (B) and
2 (C); and

3 (B) by redesignating subparagraph (D) as
4 subparagraph (B); and

5 (2) in subsection (a), by inserting at the end
6 the following:

7 “(3) PERMANENT SET-ASIDE FOR RESEARCH
8 AND EVALUATION.—The Attorney General shall re-
9 serve not less than 1 percent and no more than 3
10 percent of the sums appropriated to carry out this
11 subtitle in each fiscal year for research and evalua-
12 tion of this program.”

13 “(4) PERMANENT SET-ASIDE FOR TECHNICAL
14 ASSISTANCE.—The Attorney General shall reserve
15 not less than 2 percent and no more than 3 percent
16 of the sums appropriated to carry out this subtitle
17 in each fiscal year for technical assistance related to
18 the use of grant funds, and development and imple-
19 mentation of reforms implemented pursuant to this
20 subtitle.”.

21 (b) Section 1001(a)(16) of the Omnibus Crime Con-
22 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(16))
23 is amended by—

24 (1) redesignating subparagraphs (A) through
25 (E) as clauses (i) through (v) respectively;

1 (2) inserting “(A)” before “There”; and

2 (3) inserting at the end the following:

3 “(B) The Attorney General shall reserve
4 not less than 1 percent and no more than 3
5 percent of the sums appropriated to carry out
6 projects under part R in each fiscal year for re-
7 search and evaluation of this program.”.

8 (c) Section 1001(a)(17) of the Omnibus Crime Con-
9 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(17))
10 is amended by—

11 (1) redesignating subparagraphs (A) through
12 (E) as clauses (i) through (v) respectively;

13 (2) inserting “(A)” before “There”; and

14 (3) inserting at the end the following:

15 “(B) The Attorney General shall reserve
16 not less than 1 percent and no more than 3
17 percent of the sums appropriated to carry out
18 projects under part S in each fiscal year for re-
19 search and evaluation of this program.”.

20 (d) Section 1001(a)(18) of the Omnibus Crime Con-
21 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18))
22 is amended by—

23 (1) redesignating subparagraphs (A) through
24 (F) as clauses (i) through (vi) respectively;

25 (2) inserting “(A)” before “There”; and

1 (3) inserting at the end the following:

2 “(B) The Attorney General shall reserve
3 not less than 1 percent and no more than 3
4 percent of the sums appropriated to carry out
5 projects under part T in each fiscal year for re-
6 search and evaluation of this program.”.

7 (e) Section 1001(a)(19) of the Omnibus Crime Con-
8 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19))
9 is amended by—

10 (1) redesignating subparagraphs (A) through

11 (C) as clauses (i) through (iii) respectively;

12 (2) inserting “(A)” before “There”; and

13 (3) inserting at the end the following:

14 “(B) The Attorney General shall reserve
15 not less than 1 percent and no more than 3
16 percent of the sums appropriated to carry out
17 projects under part U in each fiscal year for re-
18 search and evaluation of this program.”.

19 (f) Section 1001(a)(21) of the Omnibus Crime Con-
20 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(21))
21 is amended by—

22 (1) inserting “(A)” before “There”; and

23 (2) inserting at the end the following:

24 “(B) The Attorney General shall reserve
25 not less than 1 percent and no more than 3

1 percent of the sums appropriated to carry out
2 projects under part W in each fiscal year for re-
3 search and evaluation of this program.”.

4 (g) Section 1001(a)(22) of the Omnibus Crime Con-
5 trol and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(22))
6 is amended by—

7 (1) inserting “(A)” before “There”; and

8 (2) inserting at the end the following:

9 “(B) The Attorney General shall reserve
10 not less than 1 percent and no more than 3
11 percent of the sums appropriated to carry out
12 projects under part X in each fiscal year for re-
13 search and evaluation of this program.”

14 (h) Section 200112 of the Violent Crime Control and
15 Law Enforcement Act of 1994 (42 U.S.C. 14101) is
16 amended by—

17 (1) inserting “(A)” before “There”; and

18 (2) inserting at the end the following:

19 “(B) The Attorney General shall reserve
20 not less than 1 percent and no more than 3
21 percent of the sums appropriated to carry out
22 projects under this subtitle in each fiscal year
23 for research and evaluation of this program.”.

1 (i) Section 220002 of the Violent Crime Control and
2 Law Enforcement Act of 1994 (42 U.S.C. 14171) is
3 amended by inserting at the end the following:

4 “(i) PERMANENT SET-ASIDE FOR RESEARCH AND
5 EVALUATION.—The Attorney General shall reserve not
6 less than 1 percent and no more than 3 percent of the
7 sums appropriated to carry out this section in each fiscal
8 year for research and evaluation of this program.”.

9 (j) Section 240001 of the Violent Crime Control and
10 Law Enforcement Act of 1994 (42 U.S.C. 14181) is
11 amended by inserting at the end the following:

12 “(e) PERMANENT SET-ASIDE FOR RESEARCH AND
13 EVALUATION.—The Attorney General shall reserve not
14 less than 1 percent and no more than 3 percent of the
15 sums appropriated to carry out this section in each fiscal
16 year for research and evaluation of this program.”.

17 **Subtitle B—Combating Crime and**
18 **Improving Operations in Cor-**
19 **rection Facilities**

20 **SEC. 5021. INCREASED PENALTIES AND EXPANDED JURIS-**
21 **DICTION FOR SEXUAL ABUSE OFFENSES IN**
22 **CORRECTIONAL FACILITIES.**

23 Chapter 109A of title 18, United States Code, is
24 amended—

1 (1) by inserting “or, with respect to any person
2 in the custody of the Attorney General, the Bureau
3 of Prisons, or confined in any institution or facility
4 by direction of the Attorney General” after “in a
5 Federal prison,” in each place it appears;

6 (2) in section 2243(b)(2), by striking “one
7 year” and inserting “three years”;

8 (3) in section 2244(a)(4), by striking “six
9 months” and inserting “two years”; and

10 (4) in section 2244(b), by striking “six months”
11 and inserting “two years”.

12 **SEC. 5022. INCREASED PENALTIES AND EXPANDED JURIS-**
13 **DICTION FOR CONTRABAND OFFENSES IN**
14 **CORRECTIONAL FACILITIES.**

15 Section 1791 of title 18, United States Code, is
16 amended—

17 (1) in paragraphs (1) and (2) of subsection (a),
18 by striking “inmate of a prison” and inserting “indi-
19 vidual in the custody of the Attorney General, the
20 Bureau of Prisons, or confined in any institution or
21 facility by direction of the Attorney General”;

22 (2) by inserting “and” at the end of subsection
23 (d)(2);

24 (3) by striking “; and” in subsection (d)(3) and
25 inserting a period; and

1 (4) by striking subsection (d)(4).

2 **SEC. 5023. REMOVAL OF WIRETAP RESTRICTIONS FROM**
3 **PRISON COMMUNICATIONS.**

4 (a) Section 2511(2)(h) of title 18, United States
5 Code, is amended—

6 (1) by striking “or” at the end of subparagraph
7 (i);

8 (2) by striking the period at the end of sub-
9 paragraph (ii) and inserting “; or”; and

10 (3) by adding a new subparagraph (iii) as fol-
11 lows:

12 “(iii) for a law enforcement officer to
13 intercept a wire, oral or electronic commu-
14 nication if at least one party to the com-
15 munication is an inmate or detainee in the
16 custody of the Attorney General of the
17 United States or of a State or political
18 subdivision thereof.”.

19 (b) Section 3121(b) of title 18, United States Code,
20 is amended by inserting “if the telephone line or facility
21 is regularly used by an inmate or detainee in the custody
22 of the Attorney General of the United States or of a State
23 or political subdivision thereof, or if the pen register or
24 trap and trace device is used” after “The prohibition of

1 subsection (a) does not apply with respect to the use of
2 a pen register or trap and trace device”.

3 (c) The Attorney General shall promulgate regula-
4 tions governing interceptions or tracing activity exempted
5 by subsections (a) and (b) to safeguard communications
6 protected by the attorney-client privilege and the right to
7 counsel under the Constitution of the United States.

8 **SEC. 5024. IMPROVING EFFICIENCY THROUGH IMPROVED**
9 **MEDICAL PAYMENT RULES IN PRISONS AND**
10 **RELATED FACILITIES.**

11 (a) EXTENSION OF VETERANS ADMINISTRATION AND
12 CHAMPUS ACCESS TO MEDICARE INPATIENT HOSPITALS
13 TO THE DEPARTMENT OF JUSTICE.—

14 (1) IN GENERAL.—Section 1866(a)(1) of the
15 Social Security Act (42 U.S.C. 1395cc(a)(1)) is
16 amended—

17 (A) by striking the period at the end of
18 subparagraph (S) and inserting a semicolon;
19 and

20 (B) by adding at the end the following new
21 subparagraph:

22 “(T) in the case of hospitals which furnish
23 inpatient hospital services for which payment
24 may be made under this title, if such hospital
25 furnishes inpatient hospital services for which

1 payment may be made under chapter 301 or
2 chapter 303 of title 18, United States Code, to
3 be a participating provider of medical care
4 under such chapter, in accordance with such
5 admission practices, and such payment method-
6 ology and amounts, as are prescribed under
7 joint regulations issued by the Secretary and by
8 the Attorney General in implementation of such
9 chapter, which regulations shall require full
10 payment by the Attorney General of any secu-
11 rity costs associated with treatment of patients
12 receiving services pursuant to such chapter.”.

13 (2) **EFFECTIVE DATE.**—The amendments made
14 by paragraph (1) apply to services furnished on and
15 after the effective date of the regulations issued pur-
16 suant to such paragraph.

17 **SEC. 5025. JUDICIAL DISTRICT DESIGNATION.**

18 Section 113 of title 28, United States Code, is
19 amended by striking “Federal Correctional Institution,
20 Butner” wherever it appears and inserting “Federal Cor-
21 rectional Complex, Butner”.

1 **Subtitle C—Improvements in Fed-**
2 **eral Law Relating to White Col-**
3 **lar Crime**

4 **SEC. 5031. ELIMINATION OF PROOF OF VALUE REQUIRE-**
5 **MENT FOR FELONY THEFT OR CONVERSION**
6 **OF GRAND JURY MATERIAL.**

7 Section 641 of title 18, United States Code, is
8 amended by striking “but if the value of such property
9 does not exceed the sum of \$1,000, he” and inserting “but
10 if the value of such property, other than property consti-
11 tuting ‘matters occurring before the grand jury’ within the
12 meaning of Rule 6(e) of the Federal Rules of Criminal
13 Procedure, does not exceed the sum of \$1000,”.

14 **SEC. 5032. AMENDMENT OF INTERSTATE TRAVEL FRAUD**
15 **STATUTE TO COVER TRAVEL BY PERPE-**
16 **TRATOR.**

17 Section 2314 of title 18, United States Code, is
18 amended in the second undesignated paragraph by insert-
19 ing “travels in or” before “transports or causes to be
20 transported, or induce any person or persons to travel in”.

21 **SEC. 5033. CONFORMING PENALTY AMENDMENT FOR**
22 **FRAUDS RESULTING IN SERIOUS INJURY OR**
23 **DEATH.**

24 Sections 1341 and 1343 of title 18, United States
25 Code, are each amended by inserting the following before

1 the last sentence: “If the violation results in serious bodily
2 injury (as defined in section 1365 of this title), such per-
3 son shall be fined under this title or imprisoned not more
4 than 20 years, or both; and if the violation results in
5 death, such person shall be fined under this title, or im-
6 prisoned for any term of years or for life, or both.”.

7 **SEC. 5034. FORFEITURE OF COMPUTERS AND OTHER DE-**
8 **VICES USED FOR COUNTERFEITING.**

9 Section 492 of title 18, United States Code, is
10 amended—

11 (1) by striking the third and fourth undesignated
12 paragraphs;

13 (2) by designating the remaining paragraphs as
14 subsections (a) and (b);

15 (3) by adding the following new subsections:

16 “(c) All seizures and civil forfeitures pursuant to sub-
17 section (a) shall be governed by the procedures set forth
18 in chapter 46 of this title pertaining to civil forfeitures,
19 including Section 981(d) which incorporates the customs
20 laws (19 U.S.C. § 1602, et seq.). The Attorney General
21 shall have sole responsibility for disposing of petitions for
22 remission or mitigation with respect to property involved
23 in a judicial forfeiture proceeding.

24 “(d) A court in sentencing a person for a violation
25 of this chapter or of section 331–33, 335, 336, 642, 1720,

1 or 2318 of this title, shall order the person to forfeit the
2 property described in subsection (a). The forfeiture of
3 property under this section, including any seizure and dis-
4 position of the property, and any related judicial or admin-
5 istrative proceeding, shall be governed by the provisions
6 of section 413 (other than subsection (d) of that section)
7 of the Comprehensive Drug Abuse Prevention and Control
8 Act of 1970 (21 U.S.C. § 853).”; and

9 (4) in subsection (b), as so designated by this
10 section, by striking “fined not more than \$100” and
11 inserting “fined under this title”.

12 **SEC. 5035. CONFORMING AMENDMENT.**

13 Section 2516(1)(c) of title 18, United States Code,
14 is amended by inserting “section 38 (relating to aircraft
15 parts fraud),” after “section 32 (relating to destruction
16 of aircraft or aircraft facilities),”.

17 **SEC. 5036. INCREASED MAXIMUM CORPORATE PENALTY**
18 **FOR ANTITRUST VIOLATIONS.**

19 (a) RESTRAINT OF TRADE AMONG THE STATES.—
20 Section 1 of the Sherman Act (15 U.S.C. 1) is amended
21 by striking “\$10,000,000” and inserting “\$100,000,000”.

22 (b) MONOPOLIZING TRADE.—Section 2 of the Sher-
23 man Act (15 U.S.C. 2) is amended by striking
24 “\$10,000,000” and inserting “\$100,000,000”.

1 (c) OTHER RESTRAINTS.—Section 3 of the Sherman
 2 Act (15 U.S.C. 3) is amended by striking “\$10,000,000”
 3 and inserting “\$100,000,000”.

4 **Subtitle D—Federal Law**
 5 **Enforcement Programs**

6 **SEC. 5041. FEDERAL PROSECUTOR ETHICS ACT.**

7 Section 530B of title 28, United States Code, as
 8 added by title VIII of division A of the Omnibus Consoli-
 9 dated and Emergency Supplemental Appropriations Act,
 10 1999, is hereby repealed.

11 **SEC. 5042. STRENGTHENING LAW ENFORCEMENT IN U.S.**
 12 **TERRITORIES, COMMONWEALTHS AND POS-**
 13 **SESSIONS.**

14 Chapter 57 of title 5, United States Code, is
 15 amended—

16 (1) in subchapter IV by adding at the end the
 17 following new section:

18 **“§ 5757. Extended assignment incentive**

19 “(a) The head of an Executive agency may pay an
 20 extended assignment incentive to an employee if—

21 “(1) the employee has completed at least 2
 22 years of continuous service in one or more civil serv-
 23 ice positions located in a territory or possession of
 24 the United States, the Commonwealth of Puerto

1 Rico or the Commonwealth of the Northern Mariana
2 Islands;

3 “(2) the agency determines that replacing the
4 employee with another employee possessing the re-
5 quired qualifications and experience would be dif-
6 ficult; and

7 “(3) the agency determines it is in the best in-
8 terest of the Government to encourage the employee
9 to complete a specified additional period of employ-
10 ment with the agency in the territory or possession,
11 the Commonwealth of Puerto Rico or Common-
12 wealth of the Northern Mariana Islands, except that
13 the total amount of service performed in a particular
14 territory, commonwealth or possession under one or
15 more agreements established under this section may
16 not exceed 5 years.

17 “(b) The sum of extended assignment incentive pay-
18 ments for a service period may not exceed the greater of—

19 “(1) an amount equal to 25 percent of the an-
20 nual rate of basic pay of the employee at the begin-
21 ning of the service period, times the number of years
22 in the service period; or

23 “(2) \$15,000 per year in the service period.

24 “(c)(1) Payment of an extended assignment incentive
25 shall be contingent upon the employee entering into a writ-

1 ten agreement with the agency specifying the period of
2 service and other terms and conditions under which the
3 extended assignment incentive is payable.

4 “(2) The agreement shall set forth the method of
5 payment, including any use of an initial lump-sum pay-
6 ment, installment payments, or a final lump-sum payment
7 upon completion of the entire period of service.

8 “(3) The agreement shall describe the conditions
9 under which the extended assignment incentive may be
10 canceled prior to the completion of the agreed-upon service
11 period and the effect of the cancellation. The agreement
12 shall require that if, at the time of cancellation of the in-
13 centive, the employee has received incentive payments
14 which exceed the amount which bears the same relation-
15 ship to the total amount to be paid under the agreement
16 as the completed service period bears to the agreed-upon
17 service period, the employee shall repay that excess
18 amount, at a minimum, except that an employee who is
19 involuntarily reassigned to a position stationed outside the
20 territory, commonwealth or possession or involuntarily
21 separated (not for cause on charges of misconduct, delin-
22 quency, or inefficiency) may not be required to repay any
23 excess amounts.

24 “(d) An agency may not put an extended assignment
25 incentive into effect during a period in which the employee

1 is fulfilling a recruitment or relocation bonus service
2 agreement under section 5753 or for which an employee
3 is receiving a retention allowance under section 5754.

4 “(e) Extended assignment incentive payments may
5 not be considered part of the basic pay of an employee.

6 “(f) The Office of Personnel Management may pre-
7 scribe regulations for the administration of this section,
8 including regulations on an employee’s entitlement to re-
9 tain or receive incentive payments when an agreement is
10 canceled. Neither this section nor implementing regula-
11 tions may impair any agency’s independent authority to
12 administratively determine compensation for a class of its
13 employees.”; and

14 (2) in the analysis by adding at the end the fol-
15 lowing:

“5757. Extended assignment incentive.”.

16 (b) Section 5307(a)(2)(B) of title 5, United States
17 Code, is amended by striking “or 5755” and inserting
18 “5755, or 5757”.

19 (c) The amendments made by this Act shall take ef-
20 fect on the first day of the first applicable pay period be-
21 ginning on or after 6 months after the date of enactment
22 of the Act.

23 (d) No later than three years after the effective date
24 of this section, the Office of Personnel Management, after
25 consultation with affected agencies, shall submit a report

1 to the Congress assessing the effectiveness of the extended
 2 assignment incentive authority as a human resources man-
 3 agement tool and making recommendations for any
 4 changes necessary to improve the effectiveness of the in-
 5 centive authority. Each agency shall maintain such
 6 records and report such information, including the number
 7 and size of incentive offers made and accepted or declined
 8 by geographic location and occupation, in such format and
 9 at such times as the Office of Personnel Management may
 10 prescribe, for use in preparing the report.

11 **SEC. 5043. AGENCIES AUTHORIZED TO INVESTIGATE VIOLA-**
 12 **TIONS.**

13 Section 1956(e) of title 18, United States Code, is
 14 amended by striking “National Enforcement Investiga-
 15 tions Center” and inserting “Criminal Investigation Divi-
 16 sion”.

17 **Subtitle E—Improvements to**
 18 **Federal Sentencing Laws**

19 **SEC. 5051. PRISON CREDIT AND AGING PRISONER REFORM.**

20 (a) PRISON CREDITS IN GENERAL.—Section 3585(b)
 21 of title 18, United States Code, is amended to read as
 22 follows—

23 “(b) CREDIT FOR PRIOR CUSTODY.—A defendant
 24 shall be given credit toward the service of a term of impris-
 25 onment for any time spent in official detention prior to

1 the date the sentence commences only if that official de-
2 tention is as a result of the offense for which the sentence
3 was imposed and has not been—

4 “(1) credited toward another sentence; or

5 “(2) applied in any manner to an undischarged
6 concurrent term of imprisonment.”.

7 (b) GOOD TIME CREDITS FOR FOREIGN PRISONERS
8 TRANSFERRED TO THE UNITED STATES.—Section
9 4105(c) of title 18, United States Code, is amended—

10 (1) in paragraph (1), by inserting “by the Bu-
11 reau of Prisons and deducted from the sentence im-
12 posed by the foreign court” after “These credits
13 shall be combined”;

14 (2) by redesignating paragraphs (3) and (4) as
15 paragraphs (5) and (6); and

16 (3) by inserting after paragraph (2) the fol-
17 lowing:

18 “(3) If the term of imprisonment under section
19 4106A(b)(1)(A) is less than or equal to the total
20 sentence imposed and certified by the foreign au-
21 thorities on the basis of considerations other than
22 the limitation arising under section 4106A(b)(1)(C),
23 the Bureau of Prisons shall calculate credits for sat-
24 isfactory behavior at the rate provided in section
25 3624(b) and computed on the basis of the term of

1 imprisonment under section 4106A(b)(1)(A). If the
2 credits calculated under this paragraph produce a
3 release date that is earlier than the release date oth-
4 erwise determined under this section, the release
5 date calculated under this paragraph shall apply to
6 the transferred offender.

7 “(4) Upon release from imprisonment, the of-
8 fender shall commence service of any period of su-
9 pervised release established pursuant to section
10 4106A(b)(1)(A), and the balance of the foreign sen-
11 tence remaining at the time of release from prison
12 shall not be reduced by credits for satisfactory be-
13 havior, or labor, or any other credit that has been
14 applied to establish the offender’s release date.”.

15 (c) CONFORMING AMENDMENT.—Section
16 4106A(b)(1)(A) of title 18, United States Code, is amend-
17 ed by striking “release date” and inserting “term of im-
18 prisonment”.

19 (d) EXPANSION OF PROVISION ALLOWING FOR RE-
20 LEASE OF NON-DANGEROUS OFFENDERS WHO HAVE
21 SERVED AT LEAST THIRTY YEARS IN PRISON AND ARE
22 AT LEAST 70 YEARS OLD.—Section 3582(c)(1)(A) of title
23 18, United States Code, is amended—

24 (1) by inserting “(and may impose a sentence
25 of probation or supervised release with or without

1 conditions)” after “may reduce the term of impris-
2 onment”;

3 (2) in subparagraph (ii), by inserting “(other
4 than an offense or offenses under chapter 109A of
5 this title)” after “the offense or offenses”; and

6 (3) in subparagraph (ii), by striking “, pursu-
7 ant to a sentence imposed under section 3559(c),”.

8 **SEC. 5052. CORRECTION OF ABERRANT STATUTES TO PER-**
9 **MIT IMPOSITION OF BOTH A FINE AND IM-**
10 **PRISONMENT RATHER THAN ONLY EITHER**
11 **PENALTY.**

12 (a) Section 401 of title 18, United States Code, is
13 amended by inserting “or both,” after “fine or imprison-
14 ment,”;

15 (b) Section 1705 of title 18, United States Code, is
16 amended by inserting “, or both” after “years”;

17 (c) Sections 1916, 2234, and 2235 of title 18, United
18 States Code, are each amended by inserting “, or both”
19 after “year”.

20 **SEC. 5053. AMENDMENT OF FEDERAL SENTENCING GUIDE-**
21 **LINES FOR COUNTERFEIT BEARER OBLIGA-**
22 **TIONS OF THE UNITED STATES.**

23 (a) IN GENERAL.—Pursuant to its authority under
24 section 994(p) of title 28, United States Code, the United
25 States Sentencing Commission shall review and if appro-

1 puate, amend the Federal sentencing guidelines generally
2 to enhance the penalty for offenses involving counterfeit
3 bearer obligation of the United States.

4 (b) FACTORS FOR CONSIDERATION.—In carrying out
5 this subsection, the Commission shall consider, with re-
6 spect to the offenses described in subsection (a)—

7 (1) whether the base offense level in the current
8 guidelines is adequate to address the serious nature
9 of these offenses and the public interest in pro-
10 tecting the integrity of U.S. currency, especially in
11 light of recent technological advancements in coun-
12 terfeiting methods that decrease the cost and in-
13 crease the availability of such counterfeiting methods
14 to criminals;

15 (2) whether the current specific offense char-
16 acteristic applicable to manufacturing counterfeit ob-
17 ligations fails to take into account the range of of-
18 fenses in this category; and

19 (3) any other factor that the Commission con-
20 siders to be appropriate.

21 (c) EMERGENCY AUTHORITY TO SENTENCING COM-
22 MISSION.—The Commission shall promulgate the guide-
23 lines or amendments provided for under this subsection
24 as soon as is practicable in accordance with the procedure

- 1 set forth in section 21(a) of the Sentencing Act of 1987,
- 2 as though the authority under that Act had not expired.

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